

THE
HISTORY OF
ENGLAND,
FROM THE
DEATH OF GEORGE THE SECOND
TO
THE PEACE IN
1783.
BY
C. M. CORMICK, LL. B.
Designed as a
Continuation
TO
HUME AND SMOLLETT.

"Cum primum ad scribendam horum temporum historiam animum appuli, et si non ignorabam hoc, quicquid erat quod moliebar, in varias incursum reprehensiones, me tamen illud solabatur, quod non ambitione, sed solum bonæ conscientiæ pretio, me duci sciebam: et sperabam fore, ut, remittentibus cum tempore odiis, aliquando veritatis amor subiret."

THUANUS, Præfat. Hist. sui temp.

EMBELLISHED WITH
HISTORICAL ENGRAVINGS, and SUPERB PORTRAITS
of the most distinguished Characters
of the Present Reign.

VOL. II.

Printed for C. COOKE, No. 17, Paternoster-Row;
And sold by all the Booksellers in
Great-Britain.

28



CONTENTS OF THE SECOND VOLUME.

CHAP. I.

I. Philosophical Survey of Europe at the Close of the War. II. State of Russia. III. Of Denmark. IV. Of Sweden. V. The King of Prussia and the Empress Queen not likely to disturb the general Repose. VI. Internal Distractions of France, one of the best Pledges of her external Inoffensiveness. VII. Situation of Spain; and Security of Great Britain from the Turbulence of the German Powers, and from the Intrigues of the House of Bourbon. VIII. Multiplied Concerns of the English Government in the Midst of this surrounding Tranquillity. IX. Circumstances favourable to the Designs of the Factions. X. Plan of Economy pursued by the Ministers. XI. Scheme of the Supplies. XII. The general Spirit of the proposed System of Finance censured by the Opposition. XIII. Inconsistency of their Objections to Lotteries, and to the Application of the Sinking Fund. XIV. Arguments against the Cider-tax, and the Extension of the Excise. XV. The Principle of this Tax defended. XVI. The alleged Disproportion of the Tax to the original Value of the Commodity, an Argument in its Favour. XVII. The Mode of levying it by making it a Branch of the Excise, justified. XVIII. Reply to what had been insinuated about "the Extension of the Excise," and to the declamatory Assertion "THAT EVERY MAN'S HOUSE IS HIS CASTLE." XIX. Real Causes of the disadvantageous Terms of the Loan. XX. Motives for applying any Part of the Sinking Fund to the current Service. XXI. Instructions and Petitions of the City of London against the Cider-tax. XXII. Earl of Bute's Resignation; and the public Credulity abused by the most absurd Assertions concerning his Motives. XXIII. Censures passed upon his Conduct by some of his own Party. XXIV. Reasonings of the most dispassionate and best informed Observers. XXV. The popular Ferment not abated, nor any seeming Change made in the Conduct of public Affairs by the Earl's Retirement. XXVI. His Majesty's Speech at the Close of the Session. XXVII. Some Account of Mr. Wilkes,

a

and

CONTENTS.

and of the Libel, entitled "*the North Briton*." XXVIII. Mr. Wilkes's Commitment to the Tower. XXIX. Copy of the Warrant granted for that Purpose by the Secretaries of State. XXX. Means used by the Agents of Faction to swell the popular Alarm. XXXI. Writ of Habeas Corpus for bringing Mr. Wilkes before the Court of Common Pleas. XXXII. After a long Hearing, he is remanded to the Tower, to give the Judges Time to form their Opinion. XXXIII. His second Speech at the Bar of the Court. XXXIV. The best Comment on this Speech. XXXV. Mr. Wilkes's Case considered under three Heads, by Lord Chief Justice Pratt. XXXVI. His Lordship's Opinion on the first Head, declaring the Commitment not to have been illegal. XXXVII. The Specification of particular Passages in the Libel, not necessary in the Warrant. XXXVIII. Validity of the Plea of Privilege allowed by his Lordship in case of Libels. XXXIX. Insatiation of the Populace on the Subject of Mr. Wilkes's Release. XL. His impotent and extravagant Conduct towards the Secretaries of State. XLI. Circumstances attending his Dismissal from being Colonel of the Buckinghamshire Militia. XLII. His first Scheme for "*Plucking*," as he called it, his favourite "*Goose*." XLIII. A severe Shock given to his Veracity. XLIV. The public Attention to these Matters kept alive with great Art and Industry. XLV. Some Attempts to bring about a Coalition of Parties. XLVI. Promotions occasioned by Lord Egremont's Death. XLVII. Mortifying Disappointment of the popular Leaders. XLVIII. King's Speech at the Meeting of Parliament. XLIX. A few Remarks on this Master-piece of political Ingenuity. L. Message about Mr. Wilkes to the House of Commons. LI. The North Briton voted a Libel. LII. Mr. Wilkes's Complaint of a Breach of Privilege. LIII. Addresses of the Lords and Commons in Reply to the King's Speech. LIV. Debate on the adjourned Consideration of his Majesty's Message. LV. Mr. Pitt's Speech on the Surrender of Privilege. LVI. His Condemnation of "*the North Briton*," and of the Author, as being "*the Blasphemer*" of

of his God, and the Libeller of his King." LVII. Other Arguments in Support of Parliamentary Privilege. LVIII. The contrary Doctrine established on every Ground of Popularity, Liberty, Law, Precedent, and Reason. LIX. Mr. Pitt's Grand Argument refuted. LX. The Resolution, that Privilege does not extend to Libels, carried by a large Majority in the Commons, and concurred in by the Lords, after a long and warm Debate. LXI. Lord Lyttleton's Speech on this interesting Subject. LXII. Concurrence of the Lords in other Resolutions of the lower House concerning the Libel; in the Order for its being burnt; and in an Address to the King, to testify their Indignation at such unparalleled Insolence. LXIII. The Sheriffs obstructed in burning the North Briton. LXIV. Duel between Mr. Martin and Mr. Wilkes. LXV. The King's Message on the Marriage of the Princess Augusta to the Hereditary Prince (now Duke) of Brunswick. LXVI. Verdict obtained by Mr. Wilkes in the Court of Common Pleas, with the Lord Chief Justice's Opinion on the Illegality of General Warrants. LXVII. Attempt upon Mr. Wilkes's Life by a Scotch Maniac. LXVIII. Proceedings of the Commons to ascertain the State of Mr. Wilkes's Health. LXIX. His Letter from Paris deemed nugatory, and he himself found guilty of a Contempt of the Authority of Parliament. LXX. Convicted of being the Author of the Condemned Libel, and expelled. LXXI. His "Essay on Woman," laid before the House of Lords, who proceed against him for a Breach of Privilege, while he is indicted in the Courts below for Blasphemy. LXXII. The Ministry very hard pushed in the Debate on General Warrants. LXXIII. New Plan of National Supplies. LXXIV. This Plan, though not opposed in Parliament, attacked with great Malignity by the Opposition-writers. LXXV. Unfairness of their Strictures on the unfunded Debt. LXXVI. The Fallacy of their imposing Calculations detected. LXXVII. Their total Silence on such Points as did the Ministry indisputable Honour. LXXVIII. Copy of some Resolutions concerning

concerning the American Trade, which laid the Foundation of the subsequent Disputes with the Colonies. LXXIX. Acquiescence of the Party Leaders in these and other Measures relating to the same Object. LXXX. Bill for correcting and restraining Abuses and Frauds in the Practice of franking. LXXXI. Temporary Expedient to counteract the artificial Enhancement of the Prices of Provisions.— LXXXII. The Regulation of private Mad-houses very unexpectedly dropt by the Commons, after the fullest Evidence of the Enormities practised in them. LXXXIII. Observations on the Triumph of the Ministry, and on General Conway's Dismissal at the end of the parliamentary Campaign.

CHAP. II.

I. Proposed Inquiry into the Causes of the Renewal of Hostilities among the savage Tribes in America. II. Steps taken by the Ministry to increase the Value of the late Acquisitions on that Continent. III. Extent of the Governments of Quebec, of East and West Florida. IV. Reasons for not including many large Tracts of improvable Territory in this Distribution. V. Encouragement held out to new Settlers. VI. Incitements to the War on the Part of the Indians. VII. Confederacy entered into by some of the Tribes. VIII. Their first Attacks on the Frontiers of the middle Settlements. IX. Repulse of the British Troops near Fort Detroit. X. Astonishing Concert in all the Enterprises of the Savages. XI. Fort Pitt blockaded. XII. March of Colonel Bouquet to its Relief. XIII. Battle of Turtle Creek. XIV. Contrast between the Severities and Dangers of a Campaign in America, and of one in Europe. XV. Distressing Situation of Colonel Bouquet's brave Companions. XVI. His judicious Dispositions and Success. XVII. Convey cut off by the Indians near Niagara. XVIII. Activity and Policy of Sir William Johnson in reducing the Senecas to Reason. XIX. Colonel Bradstreet and Colonel Bouquet equally successful in compelling the other revolted Tribes to sue for Peace. XX. Bad Effects of the Orders sent to the Naval Officers in the West Indies and on the Coasts of North America. XXI. Impolitic Suppression of the commercial Intercourse

CONTENTS.

Intercourse between the British and Spanish Plantations. XXII. The like Injury done to the Trade carried on by the American Colonies with the French Islands. XXIII. Inefficacy of some Attempts to redress or soften those Grievances. XXIV. Opportunity given the Colonists of offering a Compensation for the Stamp Duties, rejected. XXV. King's Speech at the meeting of Parliament. XXVI. Remarks on some of the Events taken Notice of by his Majesty. XXVII. Fresh Proofs of the pacific Intentions of France and Spain. XXVIII. The British Logwood-Cutters in the Bay of Honduras fully confirmed in their Privileges, after a temporary Interruption. XXIX. Ample Reparation of the Damages done to an English Merchantship by a Spanish Commodore. XXX. Affair at Turk's Islands. XXXI. False Alarm from Newfoundland. XXXII. Proposal made by the French Ambassador for the Discharge of the Balance due on Account of the Subsistence of Prisoners during the War. XXXIII. Election of a King of Poland happily terminated without disturbing the general Repose of Europe. XXXIV. Criticism of a particular Sentence of the Speech examined. XXXV. Revived Debate on the Legality of general Warrants. XXXVI. Indigestible Form of the pretended Amendment. XXXVII. Arguments on the Impropriety of coming to any Resolution upon an Affair actually depending in the ordinary Courts of Justice, and on the Incompetency of the House of Commons to declare Law either legislatively or judicially. XXXVIII. Easy Progress of the Stamp Act through both Houses; with JUNIUS's Remark on the selfish Motives and fatal Consequences of Mr. Pitt's and Lord Camden's Opposition. XXXIX. Defence of the Manner in which the Measure was brought forward, and of the Principles on which it was founded. XL. Mr. Grenville's Plans for the Prevention of Smuggling on the British Coasts; with an Account of the Proceedings relative to the Purchase of the Sovereignty of the Isle of Man. XLI. A regency Bill recommended by his Majesty, in Consequences of his late Indisposition. XLII. Clause in Favor of the Princess

Dowager of Wales. XLIII. *Riot of the Journeymen Silk-weavers.* XLIV. *Improper Steps taken by the Ministry to wipe off the Aspersions of being the Earl of Bute's nominal Substitutes.* XLV. *New Administration formed by the Duke of Cumberland.* XLVI. *Death of his Royal Highness, and of Prince Frederick William.*

CHAP. III.

I. *Gloominess of the Western Hemisphere contrasted with the brighter Prospect in the East.* II. *Review of Mir Cossim's artful and spirited Endeavours to shake off the India Company's Yoke.* III. *Treaty concluded between him and Governor Vansittart.* IV. *Mir Jaffer proclaimed by the enraged Factory at Calcutta.* V. *First Blow struck by the English, at Patna, soon followed by their Expulsion and total Defeat.* VI. *Major Adams's March, and successful Engagements with the Indians, previous to the taking of Mursudabad.* VII. *Battle on the Banks of the Nuncas Nullas.* VIII. *Great Slaughter of the Enemy at Auda Nulla; and Mongbeer reduced.* IX. *Massacre of the English Prisoners at Patna not long unrevenged.* X. *The entire Conquest of Bengal completed in less than four Months.* XI. *Victory obtained by Major Munro, at Buxard, over the combined Forces of Shah Zadah and Sujah Doula.* XII. *Ineffectual Attacks on Chanda-Geer; after which the English encamp in the Neighbourhood of Baneres.* XIII. *Surrender of Chanda Geer and of Eleabad to Sir Robert Fletcher.* XIV. *Defeat of the Marattas at Calpi, by General Carnac.* XV. *Sujah Dowla's final Resolution.* XVI. *Appointment and Departure of a Select Committee for Bengal.* XVII. *Mir Jaffer succeeded by Najem Doula, to whom Terms are prescribed before he is made Subah.* XVIII. *Inefficacy of his Remonstrances against some galling Conditions.* XIX. *Dispute between the Negotiators and the Select Committee, on the Subject of Presents.* XX. *Other Causes of Animosity and Complaint.* XXI. *Treaty concluded by Lord Clive with the Nabob of Oudé.* XXII. *This Treaty extolled very highly by one Party, and censured with great Severity by another.* XXIII. *Lord Clive's Military Regulations.* XXIV. *Violent Proceedings against the Stamp-*
act

act in North America. XXV. Critical Situation of the new Ministry, with some Remarks on the middle Course which they thought it safest to pursue. XXVI. King's Speech to both Houses; their Addresses; and the Debate on the Motion for American Papers. XXVII. Substance of Mr. Pitt's Declamation against the Right of taxing the Colonies. XXVIII. Mr. Grenville's Reply. XXIX. Petitions against the Stamp-act. XXX. Difference of Opinion, in other Respects, between those who contended for its Repeal. XXXI. Lord Camden's Speech, on the Question of Right. XXXII. Chief Points insisted upon by other Speakers, in Support of the same Doctrine. XXXIII. All those eloquent Harangues answered with great Force of Reason, and Knowledge of the Constitution. XXXIV. Proofs of Parliamentary Right deduced from English History. XXXV. The Instances cited of the Conduct of other States, ancient and modern, by no Means applicable to the Principles and Practice of Great Britain, with regard to her Colonies. XXXVI. Futility of Mr. Pitt's Distinction between external and internal Taxes. XXXVII. The Idea of a virtual Representation defended. XXXVIII. Collective Force of the Arguments in Favor of the Right of Taxation, which was confirmed, without a Division in either House. XXXIX. Memorable Protest against the Repeal of the Stamp-act, signed by thirty three Lords, at the second Reading of the Bill for that Purpose. XL. The same Objections enforced, and some new ones added, in another Protest, signed by twenty-eight Lords, at the third Reading of the Bill. XLI. Popularity of other Measures adopted by the Marquis of Rockingham and his Colleagues. XLII. Causes of a sudden Change in the Ministry. XLIII. A Carte Blanche granted to Mr. Pitt. XLIV. His Conference with Lord Temple, in which his Character, Principles, and ruling Passion appear without any Disguise. XLV. The short-lived Triumph of his Pride followed by long and stinging Mortifications. XLVI. Mr. Burke's admirable Picture of the Administration then formed by the Earl of Gatham.

C H A P. IV.

I. *Alarming Scarcity of Provisions.* II. *Conduct of the Ministry on this Occasion liable to some Censure.* III. *Great Disputes between the Proprietors and Directors of the East India Company.* IV. *Birth of the Princess Royal, and Carolina Matilda's Marriage to the King of Denmark.* V. *Substance of the King's Speech at the Meeting of Parliament.* VI. *The Cause of Freedom and the Constitution very ably defended by Lord Mansfield in the Debate on the Bill of Indemnity.* VII. *Expedients adopted by the Legislature for reducing the high Prices of Provision.* VIII. *Reduction of the Land-tax to three Shillings in the Pound carried against the Minister; with other Proofs of the Decline of Lord Chatham's Popularity and Influence.* IX. *The India Company's Right to territorial Acquisitions debated with great Warmth and Contrariety of Opinion.* X. *Proposals of the Company for an Accommodation accepted.* XI. *Bill for regulating India Dividends.* XII. *Duties laid on certain Imports from Great Britain to America; and other Measures taken to restrain the factious, turbulent Spirit of the Assembly of New York.* XIII. *Particular Acknowledgments made by the King at the close of the Session for the Annuities settled on his royal Brothers.* XIV. *Duke of York's Death on a Tour to the Continent.* XV. *Charles Townshend suddenly cut off by a putrid Fever.* XVI. *Compliment paid to his Memory by one of the Secretaries of State at the Meeting of Parliament.* XVII. *Petitions for the Relief of the Poor; and the consequent Renewal and Amendment of the Provision Bills.* XVIII. *Some Changes in the great Offices of State, but without any general Disarrangement.* XIX. *Extraordinary Persecution of the Jesuits.* XX. *Causes of their Expulsion from Portugal.* XXI. *They incur the like rigorous Treatment in France.* XXII. *A mortal Stab given to the Existence of the Society in the Spanish Dominions.* XXIII. *Prohibitory Edicts issued against them by most of the Catholic Powers of Europe.* XXIV. *Final Abolition of the Order by a Protestant Pope.* XXV. *Inauspicious opening of the new Year with Disturbances and Riots.* XXVI. *Ways and Means for the current*

rent Service. XXVII. *Act for continuing the Restriction on East India Dividends carried, though not without a strenuous Opposition; and the Ministry very closely pushed on the Nullum Tempus Bill.* XXVIII. *The Mayor and principal Members of the Corporation of Oxford reprimanded for Venality; and the Conduct of the University in the Choice of its Representatives held out as an Example worthy of general Imitation.* XXIX. *A few Remarks on his Majesty's Speech to both Houses previous to the Dissolution of Parliament.* XXX. *Lord Townshend's Popularity in Ireland considerably increased by the Octennial Bill.*

C H A P. V.

I. *Remarks on the general Election.* II. *Retrospective View of Mr. Wilkes's Conduct since his Flight from public Justice.* III. *Licentiousness of the Rabble on his being elected for Middlesex.* IV. *Impolitic Remissness of the Ministry during these Transactions.* V. *Mr. Wilkes's Motives for voluntarily appearing in the Court of King's Bench.* VI. *Consequences of the Order for his Commitment.* VII. *Specimen of the incendiary Style; and Riot in St. George's Fields.* VIII. *Proceedings in the first Session of the new Parliament.* IX. *Mr. Wilkes's Outlawry reversed; the Verdicts on the former Trials affirmed; and the Spirit of Turbulence kept up by the Spirit of Delusion.* X. *Sketch of the History of Corsica till the Time of its being annexed to the French King's Dominions.* XI. *Strong Reasons for the Acquiescence of the British Government in that Conquest.* XII. *Violent Opposition to the Port Duties in America.* XIII. *Lord Hillsborough's Circular Letter to the Governors of the Colonies.* XIV. *Necessity of dissolving the Assembly at Boston.* XV. *Seditious Measures generally adopted throughout the Province.* XVI. *Acts of the Convention.* XVII. *Arrival of Troops from Halifax and Ireland.* XVIII. *Resignations of Lords Spelburne and Chatham.* XIX. *Speech from the Throne at the Meeting of Parliament.* XX. *Hint given of the Danger that threatened the general Repose of Europe.* XXI. *Debate on the usual Motion for Addresses.* XXII. *Mr. Wilkes's Petition to the Commons; and his Appeal to the Lords on a Court of Error.* XXIII. *Duke of*

of Bedford elected Chancellor of the University of Dublin, and the like Honour conferred on the Duke of Grafton by the University of Cambridge. XXIV. Institution of the Royal Academy. XXV. Grand Debate on the American Affairs; with the Resolutions and Address concurred in by both Houses. XXVI. Arguments for and against the proposed System of vigorous Measures. XXVII. Intended Repeal of some of the obnoxious Duties. XXVIII. Civil List Debt. XXIX. Easy and judicious Provisions for the Service of the current Year. XXX. Hearing of Mr. Wilkes's pretended Grievances. XXXI. His prefatory Strictures on a Letter of Lord Weymouth's voted to be an insolent, scandalous, and seditious Libel. XXXII. Motion for his Expulsion. XXXIII. Striking Dissimilitude of Genius and Character between Mr. Burke and Mr. Grenville, its principal Opponents. XXXIV. Substance of the Speeches of both in this Debate. XXXV. Successive Expulsions and final Incapacitation of Mr. Wilkes. XXXVI. Decision in Favour of Colonel Luttrell defended on constitutional Principles. XXXVII. Parliament prorogued. XXXVIII. Dreadful Effects of religious Intolerance in Poland. XXXIX. Concise Account of the War between Russia and the Porte; with a memorable Instance of an English Officer's Skill, Intrepidity, and Success. XL. Perfidious Dismemberment of Poland. XLI. The Attention of the British Government too much engrossed by domestic Struggles to admit of any Interference in the Concerns of other Countries. XLII. Effects of a War with Hyder Ally in the East Indies. XLIII. Non-importation Agreement, and other Proceedings of some of the provincial Assemblies in America. XLIV. Contagious Distemper among the horned Cattle. XLV. His Majesty's Speech at the opening of the Session in January 1770. XLVI. A few remarkable Desertions from Ministry; and the Changes that followed. XLVII. Endeavours of the great Leaders of Opposition to aggravate the Fury of Discontent among the People. XLVIII. London Remonstrance, and his Majesty's Answer. XLIX. Joint Address of both Houses on the Occasion. L. Mr. Grenville's famous Bill for regulating

gulating the Proceedings on controverted Elections. LI. *Curious Extracts from Mr. de Grey's and Mr. Wedderburne's Speeches on the third reading of this Bill.* LII. *Partial Repeal of the American Port-duties.* LIII. *Serious Affray between the Townsmen of Boston and the Troops stationed there.* LIV. *Debates in both Houses on the late Measures of Government with Regard to the Colonies.* LV. *Circumstances attending an extraordinary Prorogation of the Irish Parliament.*

C H A P. VI.

I. *Fond Hopes of the Ministry disappointed by another Remonstrance from the City of London; with the King's Answer, and Beckford's Repty.* II. *View of Mr. Wilkes's political Career, after his Discharge from the King's Bench Prison.* III. *Dispute with Spain relative to Falkland's Islands.* IV. *General Expectation of a War strengthened by a Variety of other Circumstances.* V. *The English forcibly expelled from the Settlement at Port Egmont.* VI. *The Calamities of War averted by a judicious Union of Delicacy and Spirit.* VII. *Some Alterations in the great Offices of State during the Christmas Recess.* VIII. *Debate on the Spanish Convention.* IX. *The real Concerns of the Public absorbed in the petty Factions of Individuals.* X. *Intercourse of Civility between both Houses broken off, and their Doors shut against Strangers.* XI. *Proceedings of the Commons against Printers; and Commitment of the Lord Mayor, and of Alderman Oliver to the Tower.* XII. *Bill for disfranchising the Members of the Christian Club at New Shoreham.* XIII. *Good Effects of the Embankment near Durham Yard.* XIV. *More Remonstrances to the Throne from the City of London.* XV. *Picture of the national Happiness at this Period.* XVI. *Augmentation of Seamen.* XVII. *Other salutary Measures sanctioned by the Legislature; and a select Committee appointed to inquire into the State of the East India Company's Affairs.* XVIII. *Unsuccessful Attempts to enlarge the Sphere of religious Liberty.* XIX. *Act for restraining the future Marriages of the royal Family.* XX. *Carolina Matilda falls a Victim to the Intrigues of the Queen Dowager of Denmark.* XXI.

XXI. *Extraordinary Revolution in Sweden.* XXII. *Changes in the British Ministry, but neither tending to affect their internal Strength, nor their outward Conduct.* XXIII. *Committee of Secrecy; East India Loan Bill; and other Regulations.* XXIV. *Causes of the astonishing Embarrassments of the Company explained.* XXV. *Charges brought against Lord Clive; his Acquittal; and Suicide.* XXVI. *Bill for the better Management of the Company's Affairs, as well in India as in Europe.* XXVII. *Summary of the other Proceedings of the Sessions; with an Account of the Expedition against the Caribbs in the Island of St. Vincent.* XXVIII. *Alarming Events in America, and particularly at Boston.* XXIX. *Measures adopted by Parliament for maintaining the Authority of Great Britain over the Colonies.* XXX. *Effects of the Boston Port Bill, and of the subsequent proceedings of the general congress at Philadelphia.* XXXI. *Candour of the Ministry in taking the Sense of the Nation on a Subject of such Magnitude and Importance, by dissolving the Parliament at this Juncture.* XXXII. *Debates of the new Parliament on different Plans of Lenity and Coercion, with Remarks on the military Furor of the Americans, and the rapid Advances made by both Parties to the Crisis of a dreadful Struggle.*

THE
HISTORY
OF
ENGLAND,

FROM THE DEATH OF GEORGE II.
TO THE PEACE IN 1763.

CHAP. I.

I. Philosophical Survey of Europe at the Close of the War. II. State of Russia. III. Of Denmark. IV. Of Sweden. V. The King of Prussia and the Empress-Queen not likely to disturb the general Repose. VI. Internal Distractions of France one of the best Pledges of her external Inoffensiveness. VII. Situation of Spain; and Security of Great Britain from the Turbulence of the German Powers and from the Intrigues of the House of Bourbon. VIII. Multiplied Concerns of the English Government, in the Midst of this surrounding Tranquillity. IX. Circumstances favorable to the Designs of the Factions. X. Plan of Economy pursued by the Ministers. XI. Scheme of the Supplies. XII. The general Spirit of the proposed System of Finance censured by the Opposition. XIII. Inconsistency of their Objections to Lotteries, and to the Application of the Sinking Fund. XIV. Arguments against the Cider Tax and the Extension of the Excise. XV. The Principle of this Tax defended. XVI. The alleged Disproportion of the Tax to the original Value of the Commodity an Argument in its Favor. XVII. The Mode of levying it by making it a Branch of the Excise justified. XVIII. Reply to what had been insinuated about "the Extension of the Excise," and to the declamatory Assertion, "THAT EVERY MAN'S HOUSE IS HIS CASTLE." XIX. Real Causes of the disadvantageous Terms of the Loan. XX. Motives for applying any Part of the Sinking Fund to the current Service. XXI. Instructions and Petitions of the City of London against the

the Cider Tax. XXII. Earl of Bute's Resignation; and the public Credulity abused by the most absurd Assertions concerning his Motives. XXIII. Censures past upon his Conduct by some of his own Party. XXIV. Reasonings of the most dispassionate and best-informed Observers. XXV. The popular Ferment not abated, nor any seeming Change made in the Conduct of public Affairs by the Earl's Retirement. XXVI. His Majesty's Speech at the Close of the Session. XXVII. Some Account of Mr. Wilkes, and of the Libel entitled "The North Briton." XXVIII. Mr. Wilkes's Commitment to the Tower. XXIX. Copy of the Warrant granted for that Purpose by the Secretaries of State. XXX. Means used by the Agents of Faction to swell the popular Alarm. XXXI. Writ of Habeas Corpus for bringing Mr. Wilkes before the Court of Common Pleas. XXXII. After a long Hearing, he is remanded to the Tower, to give the Judges Time to form their Opinion. XXXIII. His second Speech at the Bar of the Court. XXXIV. The best Comment on this Speech. XXXV. Mr. Wilkes's Case considered under three Heads by Lord Chief-Justice Pratt. XXXVI. His Lordship's Opinion on the first Head, declaring the Commitment not to have been illegal. XXXVII. The Specification of particular Passages in the Libel not necessary in the Warrant. XXXVIII. Validity of the Plea of Privilege allowed by his Lordship in Cases of Libels. XXXIX. Infatuation of the Populace on the Subject of Mr. Wilkes's Release. XL. His impotent and extravagant Conduct towards the Secretaries of State. XLI. Circumstances attending his Dismissal from being Colonel of the Buckinghamshire Militia. XLII. His first Scheme for "plucking," as he called it, his favourite "Goose." XLIII. A severe Shock given to his Veracity. XLIV. The public Attention to these Matters kept alive with great Art and Industry. XLV. Some Attempts to bring about a Coalition of Parties. XLVI. Promotions occasioned by Lord Egremont's Death. XLVII. Mortifying Disappointment of the popular Leaders. XLVIII. King's Speech at the Meeting of Parliament. XLIX. A few

Remarks

A.D. 1763.

GEORGE III.

Remarks on this Master-piece of political Ingenuity. L.
 Message about Mr. Wilkes to the House of Commons. LI.
 The North Briton voted a Libel. LII. Mr. Wilkes's
 Complaint of a Breach of Privilege. LIII. Addresses
 of the Lords and Commons in Reply to the King's Speech.
 LIV. Debate on the adjourned Consideration of his Ma-
 jesty's Message. LV. Mr. Pitt's Speech on the Surrender
 of Privilege. LVI. His Condemnation of "The North
 Briton," and of the Author, as being "the Blasphemer
 of his God, and the Libeller of his King". LVII. Other
 Arguments in support of Parliamentary Privilege. LVIII.
 The contrary Doctrine established on every Ground of Po-
 pularity, Liberty, Law, Precedent, and Reason. LIX.
 Mr. Pitt's grand Argument refuted. LX. The Resolu-
 tion, "That Privilege does not extend to Libels," carried
 by a large Majority in the Commons, and concurred in by
 the Lords, after a long and warm Debate. LXI. Lord
 Lyttleton's Speech on this interesting Subject. LXII. Con-
 currence of the Lords in other Resolutions of the Lower
 House concerning the Libel; in the Order for its being
 burnt; and in an Address to the King, to testify their In-
 dignation at such unparalleled Insolence. LXIII. The
 Sheriff's obstructed in burning the North Briton. LXIV.
 Duel between Mr. Martin and Mr. Wilkes. LXV.
 The King's Message on the Marriage of the Princess Au-
 gusta to the Hereditary Prince (now Duke) of Brunswick.
 LXVI. Verdict obtained by Mr. Wilkes in the Court of
 Common Pleas, with the Lord Chief-Justice's Opinion on
 the Illegality of General Warrants. LXVII. Attempt
 upon Mr. Wilkes's Life by a Scotch Maniac. LXVIII.
 Proceedings of the Commons to ascertain the State of Mr.
 Wilkes's Health. LXIX. His Letter from Paris deemed
 nugatory, and he himself found guilty of a Contempt of
 the Authority of Parliament. LXX. Convicted of being
 the Author of the condemned Libel, and expelled. LXXI.
 His "Essay on Woman" laid before the House of Lords,
 who proceed against him for a Breach of Privilege, while
 he is indicted in the Courts below for Blasphemy. LXXII.
 The Ministry very hard pushed in the Debate on General
 Warrants.

VOL. II.

B

Warrants. LXXIII. *New Plan of National Supplies.* LXXIV. *This Plan, though not opposed in Parliament, attacked with great Malignity by the Opposition Writers.* LXXV. *Unfairness of their Strictures on the unfunded Debt.* LXXVI. *The fallacy of their imposing Calculations detected.* LXXVII. *Their total Silence on such Points as did the Ministry indisputable Honour.* LXXVIII. *Copy of some Resolutions concerning the American Trade, which laid the Foundation of the subsequent Disputes with the Colonies.* LXXIX. *Acquiescence of the Party Leaders in these and other Measures relating to the same Object.* LXXX. *Bill for correcting and restraining Abuses and Frauds in the Practice of Franking.* LXXXI. *Temporary Expedient to counteract the artificial Enhancement of the Prices of Provisions.* LXXXII. *The Regulation of private Mad-houses very unexpectedly dropt by the Commons, after the fullest Evidence of the Enormities practised in them.* LXXXIII. *Observations on the Triumph of the Ministry, and on General Conway's Dismission, at the End of the parliamentary Campaign.*

I. **S**OON after the close of so fierce and general a war, Europe exhibited a reviving prospect to the philosophical observer. He saw the rage of conquest every where subdued, and the spirit of useful labour and improvement taking place of the spirit of rapacity and devastation. The late scenes of blood were quickly covered with the sweetest verdure; and the towns and villages which had been destroyed, rose more beautiful from their ruins. Nations, tired of hostile strife, began now to confine their efforts to objects of nobler emulation,—to the arts of utility and happiness,—to the pursuits of industry, genius, and science. Even the most ambitious among their sovereigns appeared to be at length convinced, that extent of dominion was too dearly purchased by the lives of thousands; that sanguinary glory was equally pernicious and contemptible; and that more wealth and real power could be derived from the honest endeavours of their subjects to enrich themselves, than
from

from making use of their servile assistance to plunder, destroy, or enslave others. In short, a calm and benign peace seemed brooding over this quarter of the globe; and the internal state of every country afforded the best pledge for the continuance and increase of its blessings.

II. Russia, though at a distance from the theatre of war, had felt its havoc in the most sensible and tender part,—the decrease of inhabitants. In that vast empire, to the extent of which its population is so extremely disproportioned, the loss of a man cannot be compensated by military laurels. The human race is almost in perpetual danger of becoming extinct in the northern provinces, from the severity of the climate and the barrenness of the soil, without being exposed to the more destructive ravages of the sword; and, in the southern districts, if large armies are more easily collected, and maintained without much difficulty at home on account of the cheapness of provisions, the state of the revenue was at that time but ill adapted to the expences which must have attended the employment of troops in distant countries. The particular situation of the empire, also, concurred with these motives of national policy to render her averse to any precipitate quarrels with her neighbours. She could not look upon herself as sufficiently secured from domestic danger to provoke the attacks of a foreign enemy. It was necessary, for some time at least, that she should confine her views solely to her own safety; that she should collect, within itself, all the force of the empire, in order to oppose it to the designs of the many malecontents with whom Russia was known to abound, and who, though not attached to the interest of the late czar, and little inclined to revenge his fate, would have found both inducement and opportunity for raising troubles, and attempting new changes. Very plausible pretences for such attempts existed since the reign of Peter I. who, while he aimed at improving and strengthening his kingdom, left in it, at the same time, the seeds of civil wars and revolutions.

III. The attention of Denmark and Sweden was not less

less engrossed by objects of domestic concern. His Danish Majesty, Frederic V. having amicably settled with Russia whatever was in dispute concerning the duchy of Holstein, resumed his former measures for promoting the happiness of his people, and converting, to the most profitable account, the opportunities of a friendly intercourse with the nations round him. His death, which happened about three years after the peace, did not produce any change in the system of administration. Christian VII. seemed desirous of treading in his father's footsteps, or rather of improving upon his pacific and beneficent plans. All his councils were directed to the encouragement of agriculture, to the relief of the peasantry from some remaining oppressions, and to the most effectual means of inviting foreign merchants to his ports, as well as of giving new life and vigour to the commerce of his own subjects. His marriage to the Princess Caroline Matilda of England was another very pleasing circumstance at that time, though it ended unfortunately, through the intrigues, as it was said, of his stepmother, the queen dowager, and perhaps through his own imbecility of understanding. But however unequal he may have since been found to the duties of government, it is certain, that his public conduct, in the early part of his reign, appeared to be guided by a strict regard to his father's dying admonitions. "My dear son," said that amiable monarch, "you will soon be king of a flourishing people; but remember, that to be a *great monarch* it is absolutely necessary to be a *good man*. Have justice and mercy therefore constantly before your eyes; and above all things reflect, that you were born for the welfare of your country, and not your country created for your mere emolument. In short, keep to the golden rule of doing as you would be done by; and whenever you issue an order as a sovereign, examine how far you would be willing to obey such an order, had you been a subject yourself."

IV. The genius of the Swedes had too long been turned to arms. Dazzled by the splendor of occasional, but

but extraordinary success, they had fancied themselves born only to conquer, and to regulate the destinies of empires. The hope of plunder had been united to the love of glory. It required the experience of a century and a half to undeceive them in their false notions of grandeur, and to convince them that their natural poverty was not to be remedied by martial exploits. The exhausted state of the kingdom, the loss of former conquests, the elevation of Russia, and the near example of Danish industry, made them sensible that it was time for them to lay aside the military character, and to betake themselves to the useful arts. Peace was become the wish of the whole nation; and their king favored this rational propensity, not only from a just perception of its advantages, but from being constantly harassed by factions in the senate, and by the jealousy or intrigues of his enemies at home, without seeking abroad for others to contend with.

V. With regard to the King of Prussia, after having exhausted all the resources of his genius in the course of a long and dreadful struggle, toward the close of which his salvation was entirely owing to an incident beyond the reach not only of human foresight, but of hope itself, it was not probable that he would be very forward again to commit his affairs, so miraculously preserved, to the chances of war. The empress queen, on her part, had as little temptation to disturb the general tranquillity. Since she failed to reduce Silesia, or even to recover the smallest particle of her losses, with such an exertion of her own strength, and with such an alliance as never was seen united before, she must have been satisfied of the folly and madness of renewing the calamities, with which Germany had, for the last six years, been unceasingly afflicted. To this consideration was also added her natural desire to settle her numerous offspring, and particularly to secure the archduke Joseph's succession to the imperial diadem, by having him previously elected king of the Romans. She herself had experienced the difficulty of establishing the claims of

birth, even under the sanction of assenting powers, at the death of her father, who left no male issue. It was therefore necessary to behave in the most conciliating manner towards the electors, in order to prevent any opposition to the choice of her son. In consequence of her prudent policy, he was crowned at Frankfort, the third of April 1764; and, the year after, on the death of his father, he ascended the throne with as little noise and bustle as if it had been hereditary.

VI. In this survey of the situation of the late belligerent powers at the close of the war, it would be unnecessary to make any remarks on France and Spain, as the disasters they had suffered, and their motives for being so earnest to conclude the treaty of peace, have been already explained, were it not that the prevalence of interior dissensions, chiefly in the former, afforded some farther pledges of her external inoffensiveness. The king of France had hardly put an end to foreign hostilities, when he was engaged in a contest almost as perplexing with his own parliaments. These parliaments, according to their original constitution, were supreme courts of justice, and had no share in the other concerns of government. But since the meetings of the states had been laid aside, the parliaments became in fact the only guardians of the rights of the nation; and though they did not deny that the whole legislative as well as executive power resided in the king, yet they contrived a method of controlling the crown in the exercise of both, and of interposing their authority in every matter of religion, of civil police, of revenue, and even, in some instances, in matters of state. As no edict, or arret, had the force of law, till it was registered by them, they gradually assumed the liberty of suspending the registry for some time, and of remonstrating against the measure, if unpopular or oppressive. The court often found it expedient to act with seeming condescension, till the parliaments, encouraged by success, carried their resistance to greater lengths. Soon after the peace, the king issued an edict for the continuance of some taxes which

which were to have ended with the war, and for imposing new ones. Some regulations were made in like manner for enabling the crown to redeem its debts at twenty years purchase of their *then produce*, which was very low. The parliaments considered those edicts as burthens on the people, and as violations of the public faith. Without any previous concert, they all resolved on the most strenuous opposition, and determined to take this opportunity, not only of frustrating the immediate plans of despotism, but of setting up their own authority at so high a point, as to prevent all abuses of the same kind in future. They peremptorily refused to register the edicts, and prepared remonstrances, in which the language of fair argument derived irresistible force and animation from the spirit of manly freedom *. The court

* "We thought it our duty," said one of those parliaments, "to remonstrate to your majesty, that the registering that edict and declaration is irreconcilable with your glory, the good of the state, and the rights of mankind. Whatsoever favours of constraint, wounds the honour of the throne. A manly and respectful freedom has always been the glory of every prince, under whose reign the subjects have made it their guide.

"Your people, Sire, are unhappy: all things proclaim this sad truth. Your courts of parliament, the only voice of the nation, cease not to tell it. No, Sire, it is but too true; and we cannot too often repeat it,—YOUR PEOPLE ARE MISERABLE.

"It is not from this day, that we are to date the calamities which desolate the several parts of your state. Your parliaments have found themselves more than once under a necessity to lay before you the sad description of them. Your majesty could not behold it, without being affected. But what does it signify to the felicity of Frenchmen, that their sovereign shares, by reflection, in the evils they really suffer, if the mercenary spirit, which devours them, is substituted to that, which ought to proscribe and punish it?

"The termination of the war ought to put an end to our misery. Peace should have introduced in France the sweets,
with

court was alarmed, yet did not tamely give up the point. Governors were sent down into the several provinces with orders, in the king's name to enforce obedience. But the parliaments, rather provoked than terrified by such proceedings, issued arrets for seizing and imprisoning any of the governors who dared to become the instruments of arbitrary power. In short, a civil convulsion seemed almost inevitable, when the king thought proper to compromise the dispute; and from that moment it was evident, that any rash attempt of Lewis to embroil himself with his neighbours, and consequently to increase the burthens of his subjects, would endanger the overthrow of the French monarchy.

VII. As to Spain, the wounds she had lately received were so deep and so dangerous, that a great deal of time and the utmost care were necessary to heal them. She could not want any fresh proofs of the ruinous conse-

with which it is attended among all other nations. The capital of the kingdom was preparing to celebrate the return thereof, and with shouts of joy to dedicate a monument designed to eternize its sensibility, and the memory of a beloved monarch. But, instead of this, nothing but sighs of grief appeared.

"It is to promote the happiness of those, who are placed under your care, that you are invested with the supreme authority. Your subjects have a right to your beneficence. They have, therefore, a right to the easiest and least burthensome method of contributing to the wants of the state. This right, which is founded in nature, belongs to every nation in the world, whatever may be its form of government. It is principally the right of the FRANKS, and, in a more especial manner, that of your province of Normandy. The NORMAN CHARTER furnishes, on this head, the most respectable monuments of our national immunities, and of the justice of the kings, your august predecessors. We there find, THAT NO TAX CAN BE LAID ON YOUR SUBJECTS OF THIS PROVINCE, UNLESS IT BE AGREED TO IN THE ASSEMBLY OF THE PEOPLE, OF THE THREE ESTATES. This charter subsists in its full force: it makes part of your people's rights, which you swore to maintain before him, BY WHOM KINGS REIGN."

quences

quences of pride, treachery, and precipitance. As she also remained under the influence of French councils, there was the strongest reason to believe, that as long as France found it her interest to continue punctual in the observance of the peace, Spain would not take any step to violate it. Thus Great Britain had little to apprehend from the turbulence of the German powers, or from the intrigues of the House of Bourbon, especially as her moderate demands, and her generous concessions in the late treaty, could have left no just causes of irritation to rankle in the breasts of her humbled enemies.

VIII. But, while the aspect of the great political bodies of Europe was so perfectly favorable towards each other, the British government never felt greater occasion, than in the midst of this surrounding tranquillity, for the exertions of its vigilance and wisdom, to extinguish the flames of a new war, which suddenly burst out from the ashes of the former, with most of the savage nations in America; to regulate the distracted affairs of the East Indies; and, above all, to defeat at home the designs of the factious, who, as if grown desperate by frequent disappointments, seemed resolved either to undermine, or to batter down all the pillars of the state, even though they themselves should be crushed in its ruins. As these domestic struggles were objects of the most immediate and pressing concern, they claim the first place in the following narration.

IX. The issue of the debates on the preliminary articles, in both houses, afforded a very clear proof, that the opposition which was made to any approbation of the peace, had been much more warm than effective, although it was a topic on which it was expected that the anti-ministerialists would chuse to display their utmost strength. They, however, appeared extremely weak upon it; and many persons did then imagine, that no serious design was entertained by any set of men, of branding with disgrace a system, on which it was absolutely necessary that the nation should repose itself for a long time; to which it was therefore proper the people should

should reconcile their minds; and which, at least, had a general merit sufficient to dispose them to acquiesce in the conditions of it. But the spirit of the party was not exhausted in the former attempt. They lay in wait to fall upon the administration in the most critical time, and to wound them in the most sensible part, the supplies. Several circumstances favoured their purpose. The business of impositions is, in itself, unpopular: minds discontented and fertile can very readily, and very plausibly, forbode almost any ill consequences from an untried tax; and there is scarcely one public burthen which may not, with great appearance of just reasoning, be traced in speculation to the ruin of some branch of manufacture or commerce. Beside, though taxes were full as necessary at the conclusion as during the continuance of the war, that necessity was not, to every person, so glaringly evident; nor were they by any means so palatable, as when victory and plunder seemed to pay, in glory and profit, for every article of national expence. The advantages of the peace, though far more certain and solid, were less sudden and less brilliant.

X. In these dispositions, the people were ready to fall into very ill humours, upon any plan of supply which could be suggested. The administration was fully aware of this; and, therefore, determined to lay as few new taxes as the public service could possibly admit. Every scheme of oeconomy, every mode of retrenching superfluous expences, had been carefully studied, and carried into effect, before government could be reconciled to the ungracious necessity of increasing the burthens of the subject. The profusion of the two late reigns, in supporting the parliamentary interest of the court, had, indeed, left considerable room for retrenchment. The sums lavished in that manner were found, upon minute inquiry, to be extravagant almost beyond belief, as a chain of venal dependency reached from the highest minister down to the meanest domestic, each being allowed, without any restraint or examination, to accumulate, in the most shameful manner, profits and perquisites.

perquisites amounting often to ten times the value of their regulated appointments. The reform of such abuses, and of those impositions which, instead of contributing to the dignity and support of the executive power, debased and weakened it, occasioned an outcry from the numerous dependants of the late ministers, who pleaded practice and prescription in their favor. Many of them even alledged, that they had bought their posts from their superiors in office, and that they had therefore a right to make as much of them as they could. In lopping off those excrescences of corruption, a due regard was paid to the just claims of individuals. Though useless offices were abolished, an equitable compensation was made to the persons dismissed; and with regard to such as were retained, care was taken that the servants of the state should receive no more than their lawful wages.

XI. The savings by all those laudable means, great as they were, did not prove adequate to the necessities of the public: some national method of supply became, of course, unavoidable. In this, however, the ministry were doubly perplexed, not only on account of the difficulty of opening new resources at the close of a very expensive war, but also in consequence of their own repeated declarations, that a peace was necessary, in order to lighten the pressures of the people. The following expedients appeared to them most eligible. They proposed to take two millions from the sinking fund; to issue exchequer bills to the amount of one million eight hundred thousand pounds, chargeable on the first aids to be granted the next session; to borrow two millions eight hundred thousand pounds on annuities; and, lastly, to raise the sum of seven hundred thousand pounds by two lotteries in the course of the year. To defray the interest of these loans, amounting in the whole to seven million, three hundred thousand pounds, an additional duty of eight pounds a tun was to be laid on French wines, and four pounds a tun upon all other wines. No objection could well be urged against such
imposts;

imposts; but as they alone would have been insufficient, another duty was added, which gave the discontented an opportunity of raising a popular clamour, and of inflaming the whole nation. This was a duty of four shillings a hoghead on cider and perry, to be paid by the maker, and to be subjected, with certain qualifications, to all the laws of excise *.

XII. No sooner was this last tax laid before the house of commons than opposition unmasked, as it were, all its batteries, and attacked not only the ways and means proposed, but the very basis of oeconomy and frugality on which the whole plan of the supplies was founded. The speakers on that side of the question maintained, for very obvious reasons, that the nation was far from being exhausted; that there were resources for carrying on the war at least two years longer, and much more towards clearing off incumbrances on the peace; that as individuals abounded in wealth, and as the public was loaded with an immense debt, it was in such circumstances the dictate of the wisest and most enlarged policy, to add as much as possible, by bold and liberal grants, to the income of the nation. "The fund of payment," said they, "will then be enlarged, and oeconomy will have something upon which to operate. In any other method, frugality is mean and sordid in the practice; and will certainly prove trifling in the effect. It may starve many useful parts of public service; but it must ever be found a frivolous and fallacious resource toward the discharge of the public debt."

XIII. After having passed these censures on the ge-

* The first design was to lay ten shillings per hoghead on the retailer of cider and perry, without extending the excise laws. It was afterwards intended to lay the same duty on the first buyer. But the country gentlemen not appearing to approve of either of these proposals, the ministry changed the mode, and brought in a bill on the above principle, lowering the duty to four shillings a hoghead, to be paid by the maker, and to be under the receipt and management of the officers of excise, for the purpose of rendering it productive.

ACTA

neral spirit of the proposed system of finance, they proceeded to examine its several branches, and differed in opinion with the ministry upon every particular. They condemned the lottery plan as encouraging the spirit of gambling, and giving an enormous profit to the subscribers *. As to the money that was to be taken from the sinking fund, they looked upon it as a kind of sacrilege. They thought, that scarce any necessity could be pleaded in favor of a perversion of that fund from its original purposes to the current service; that the appearance of tenderness for the people in such an expedient was altogether deceitful, when they were exonerated for a time, only to be more heavily burdened afterwards; and that their present ease must infallibly cause their future weakness. On these objections it is almost impossible to avoid remarking, that they came with little weight, and with still less grace, from gentlemen, who, when they and their friends were in administration, had complained of the difficulties of levying new taxes; had established the practice of lotteries, which, on all hands, were admitted to be necessary evils; and had given the greatest blows to the sinking fund it ever had received.

XIV. But the cider-tax was the chief subject of declamation and invective. The opposition contended, that this tax was, with regard to its object, partial and oppressive; with regard to the means of collecting it, dangerous and unconstitutional; that it laid the whole burthen of expences, incurred in the general defence of the kingdom and in the protection of the national commerce, on a few particular counties, which in every other article of the public charge contributed their full share. They stated the disproportion of this tax to the original value of the commodity. "It is," said they, "oppressive to both landholders and farmers: to the one, by a diminution of their rents, it operates more

* Two lottery tickets, bearing four per cent. interest, were to be allowed, at ten pounds each, to every subscriber of eighty pounds to a part of the new loan.

severely than the land-tax: to the other, if they compound, it becomes, in effect, a heavy capitation; if they do not, it is a subjection to new, unknown, and perplexed laws, and to tribunals of commissioners appointed by the crown, and removable at pleasure, and therefore arbitrary in their nature, and inconsistent with the principles of liberty, which have hitherto distinguished this nation from arbitrary governments. Every man's house is his castle. If this tax is endured, it will necessarily lead to introducing the laws of excise into the domestic concerns of every private family, and to every species of the produce of land. The laws of excise are odious and grievous to the dealer, but intolerable to the private person. The precedent is particularly dangerous, when men, by their birth, education, and profession, very distinct from the trader, become subjected to those laws. "We may look upon it," concluded they, "to use the words of one of the first gracious acts passed by our great deliverer king William, when the hearth-money was repealed, as a badge of slavery."

XV. The friends of administration were not deficient in reply. They asserted, that to aim at increasing the national income by any farther taxes than what extreme necessity demanded, was a wild project: that every tax implied some discouragement to trade, because in its consequences it enhanced more or less in foreign markets the price of our manufactures, which must always, in time of peace, depend for their vent principally on their cheapness: that every tax also, in order to be effectual, naturally implied some restraint upon liberty: that nothing demonstrated more fully the solidity of these principles than the objections then urged against the duty on cider and perry, a moderate and equitable imposition; and that, of all men, it ill became those who spoke so strongly of continuing and enlarging the charge of the nation, to quarrel with one of the least distressing resources which could be found for the public. "Can any thing," they asked, "be so flagrantly absurd

absurd as to argue that the tax is unequal, or that it lies heavy on some particular counties; when every body must know, that it does not even bring them on a par with all the other counties, where the people drink beer? In these counties, all private, as well as public consumption, is charged in the malt-tax: the charge on cider is not so great: it has exemptions in favor of the poor, which are not indulged in the malt-tax*: so that the cider counties have rather reason to be thankful for their long immunity, than querulous that they are at last obliged to contribute rather less than their proportion towards the support of the national burthens."

XVI. They very shrewdly observed, that the objection started by the opposite party, on the disproportion of the tax, to the original value of the commodity, was still more frivolous. "There is nothing," they said, "which points out an object for taxation more strongly, than its original price being so low, that it may be sold cheap, even after the imposition. This is the case of tobacco, of malt-spirits, and even of beer. The excessive cheapness of cider calls for a tax to restrain the excessive use of it; and surely those gentlemen, who affect to shew so tender a regard to the morals of the people, and to their danger from gaming, even when regulated and authorised by government, are not aware how inconsistent they must appear in discovering such little attention to the vice of drunkenness, equally pernicious in itself, and much more prevalent among the lower people."

XVII. As the main point insisted upon by the opposition was the mode of levying the tax, by making it a branch of the excise, the proposers of the new duty said, "if any other method, equally effectual for collecting

* Occupiers of tenements not rated above forty shillings per ann. to the land tax, and not making more than four hogsh-heads of cider and perry, in the whole, in a year, were to be exempted from the duty, and from compounding, or paying any rate in lieu thereof.

this tax, and less grievous to the subject, can be pointed out, we are ready to adopt it. How happens it that the gentlemen, who display so much ingenuity and eloquence in their other remarks, are entirely silent on this head? Is not this a tacit acknowledgment that, if cider for private consumption be a fit object for a tax, the excise is the only sure way of collecting it? This mode has clearly the advantage of every other in point of cheapness, expedition, accuracy, and a power of preventing frauds either in the officer or the dealer. These advantages, notwithstanding the unpopularity of the name, induced the legislature to give it originally a very extensive jurisdiction, the bounds of which they found the necessity of enlarging every day; and, if it be a *badge of slavery*, it is a badge which has been long worn by no inconsiderable part of the nation,—by all those concerned in manufacturing or vending malt, beer, spirits, tobacco, salt, soap, candles, leather, and a multitude of other articles. These persons, if they were told by the head, would be found to compose a body not inferior, perhaps greatly exceeding in number all the makers of cider, who are now laid under this duty and these laws in a few counties. If every gentleman in the nation is not subjected to the excise laws, it is because he does not chuse to make his own malt. Some chuse to do so, and are so subject: it is the extensive principle of the law, not the accidental burthen on, or immunity of, individuals, in the execution, that forms an objection of any force or meaning to this, or to any other revenue law.

XVIII. They farther observed, that a very unfair advantage had been taken, in this controversy, of the loose sense of the words, *extension of the excise laws*. If these words meant simply, that the excise was extended with regard to its *object*, the fact was true: but if they were made use of to insinuate, that the *powers* of the excise were also extended, nothing could be more false. Instead of being extended, those powers were, in many material circumstances, with regard to this

new object, very much contracted; and the makers of cider were far more favored than any other class of people under the jurisdiction of the excise. "We have," continued they, "been told, in the highest tone of declamatory vehemence, *that every man's house is his castle*. Such a blustering assertion may tickle the ears of the populace; but, when coolly examined, proves to be mere sound, without force or significance. Is every man's house to be like the castles of the barons of old, in the days of anarchy, a retreat for depredation and rapine, an asylum for shuffling, fraud, and illegality? Is the smuggler to lie intrenched behind the walls of those imaginary castles, and to tell you that the fortifications are so sacred, the law itself dares not approach them? If one man extracts an agreeable beverage from his apples, and another from his corn, what particular immunities or privileges is the former entitled to more than the latter? Why is the cider-house of the one to be regarded as a greater sanctuary, or a more inviolable castle, than the malt-house of the other? Here is no room for subtle distinctions. The cider-maker is not taxed as a private gentleman, but as a dealer or merchant. The act expressly says, that persons making cider or perry to be consumed in their own private families only shall be admitted to compound for the duties *, and their houses shall be exempted from survey or search. The duty then, in its full extent, affects them only when they make such liquors for sale; and certainly no good reason can be assigned, why they ought in such cases to be placed upon a different footing from that of any other venders of exciseable commodities. To call it therefore a *dangerous precedent* must be the effect of wilful misrepresentation, or of a total ignorance of English history. The excise is co-eval with the establishment of civil liberty in this country; and

* This composition was at first an annual rate of five shillings per head for every person above eight years old, in such families; but was afterwards reduced to two shillings per head, in an amendment of the act passed in the same session.

the enlightened sons of freedom, who brought about the glorious revolution, could never believe that they sacrificed any essential part of their rights, by adopting the cheapest and most productive means of collecting certain branches of the public revenue."

XIX. With regard to the excessive premiums, which the government was obliged to give for money, the defenders of the proposed scheme of supplies did not seem to deny the charge, but threw the blame on the former ministry, who, they said, had so frequently and so immoderately applied to public credit, that they had raised the terms of the lenders. They added, "that though the return of peace might be supposed by its natural operation to put new life into public credit, that operation had been prevented by the rise of domestic faction, which is ever as great an enemy to credit as foreign wars; and, therefore, that some of the gentlemen in opposition were, at least, as much accountable for the advanced terms of the loan, as those who from necessity proposed such terms; and," they said, "it ought not to be forgotten how great a connection had been kept up between the principal dealers in money, and the leaders of the discontented party, who had not only endeavoured to inspire the former with the same spirit of groundless dissatisfaction, but had also assured them that they could force government into their own terms."

XX. They justified the application of the sinking fund to the service of the year, by the reason and propriety of the measure itself, as well as by the frequency of the example. "Is it not," said they, "much better to postpone a possible payment of some part of the public debt, than to increase the capital amount of it, and in the mean time burthen with new taxes industry and commerce, which are already sinking under the loads that have been laid upon them, through the profuse management of the late war?" The last circumstance was added on account of the almost incredible demands that were made upon the government by contractors of all kinds, foreign as well as domestic, some of whom were
known

known to have made fortunes, in the course of the war, far exceeding what fell to the share even of the great duke of Marlborough, during the same number of campaigns.

XXI. Whatever impression these arguments must have made on the majority of both houses of parliament, it is certain that they were found insufficient to quiet the clamours which had been excited, and of which the subject of complaint relative to the supplies had been the pretence only, and not the cause. The fury of the populace was let loose, and every quarter was full of tumult and confusion. Virulent libels, audacious beyond the example of former licentiousness, were circulated throughout the kingdom; and the writers seemed to vie with one another only in the excesses of scurrility and falsehood. The lord mayor, aldermen, and commons, of London, instructed their representatives, in terms that conveyed no favorable ideas of the intentions of the government, to oppose the cider-bill; and many other members, in consequence of having received similar instructions from their constituents, did not support the ministry on this occasion. The latter, however, steadily pursued their point, and accomplished it, though petitions against the bill from the city of London were presented to both houses. These having proved ineffectual, the city carried up a third petition to his majesty, the very instant it was known the bill had passed the lords, imploring him not to give his royal assent to so much of it as subjected the makers of cider and perry to the laws of excise. The cooler and more disinterested part of the public could not help considering this last step as extremely presumptuous and indecent. It meant nothing less, in fact, than beseeching his majesty to prefer the advice and opinion of the corporation of London to that of both houses of parliament. It was farther remarked, that neither of the petitions contained any new arguments against the measure; but that they were mere echoes, almost word for word, of what had been urged

urged by Mr. Pitt during the debate *. The second and third reading of the bill in the house of lords had also been attended by two protests, each signed by three noblemen, and including an exact repetition of the same objections.

XXII. A few days after the passing of this bill, in which alone the minister had not so considerable a majority as usual, the Earl of Bute resigned his office of first lord of the treasury, and Sir Francis Dashwood that of chancellor of the exchequer. The resignation of the latter excited very little surprise. The business of finance was neither suited to his inclination, nor to his talents; and as he had accepted the place solely in compliance with the importunities of the minister, who had a high and very just opinion of his integrity, the example of his friend now afforded him the best excuse for retirement. But the Earl of Bute's conduct was the subject of much astonishment and criticism. All men seemed eager to display their political sagacity, or to serve their respective interests, by ascribing his resignation to a variety of motives. His enemies affected a momentary triumph, as if they had forced him to quit the helm: but it soon appeared that he had only voluntarily withdrawn himself; that none of the party in opposition gained a single appointment by his removal; and that no change whatever was made in the plan of administration. The assertions which gained most ground among the credulous multitude were, that the Earl of Bute, being alarmed at the rising tempest of po-

* In the petition to parliament, the city could not help considering the new tax "as preparatory to a general extension of the laws of excise; for when new orders of men, by situation and profession distinct from traders, are rendered objects of the excise laws, the precedent is formidable"—and, in the petition to the king, those laws are represented as "being in their nature arbitrary, and inconsistent with the principles of liberty, and the happy constitution of his majesty's government." By referring to Sect. XIV. the reader will see how closely the city petitioners adhered to the words of the great leader of opposition.

pular

popular fury, and afraid of a parliamentary inquiry into some of his late measures, had bargained for his personal safety with his successors in office; and that, though he had quitted an ostensible situation, every thing was still governed by his secret influence. The very same thing had been said of Walpole, the whig favorite in the preceding reign, and of the ministry who succeeded him. But animosity and prejudice seldom attend to the nice distinctions of character and circumstances. Walpole resigned, because he saw that there was a confirmed majority in parliament against him, and that nothing but a compromise with some of his political adversaries could screen him from danger. The Earl of Bute was not driven from office: he left it with a powerful majority in his favour; so that his divesting himself of that support, and retiring to a private station, might rather be looked upon as a bold challenge to his enemies, and as dictated by a consciousness of unimpeachable rectitude.

XXIII. Some of the earl's dependants, who were likely to feel the loss of a patron, loudly exclaimed against his abandoning, as they called it, his friends and his sovereign, just when a little perseverance would have entirely defeated all opposition, and rendered his power immoveable as a rock. "For what," said they, "do we contend? Is it not for the restoration of the constitutional dignity of the crown; for the redemption of the king from thralldom,—from the hands of an all-grasping and insolent cabal? Is it not our intention to preserve to the king the right of appointing and retaining his own servants, according to law and ancient prescription, unless they are legally disqualified, or that some well-proved delinquency should afford a just cause for their removal? Can this be accomplished, if the first gust of popular madness be sufficient to overturn the whole fabric of our designs? In vain do we carry on a strenuous warfare with the disaffected, if our commander quits the field the moment we become assured of the victory. Will not this pusillanimity depress the
courage

courage of our party, and raise in proportion that of our adversaries, when they see, that, without the trouble even of a false accusation, they can frighten a minister from the councils of his sovereign? Who will hence-forwards support government, if the highest favor of the court, and the most decided parliamentary superiority, are not able to secure them against the caprice of the rabble, or the vengeance of a desperate faction?"

XXIV. But the most dispassionate and the best-informed observers reasoned upon this subject in a very different manner. They said, "that the minister in question was, perhaps, the man in the world the least to be influenced by popular opinion, or to be intimidated by popular fury: that he had given a proof of this by being the first to oppose Mr. Pitt, though at that time the idol of the people, when the latter recommended in council an immediate rupture with Spain: that the steady vigour with which he had conducted the war, and the lead which he finally took in the great and necessary, but dangerous undertaking of making peace, sufficiently demonstrated his firmness, and his contempt of ignorant, undeserved, and malicious censure. When he had done," they added, "that important service to his country and his master, his end was fully obtained; and he therefore resolved, that the factious party should not have even the poor pretence of objecting his private ambition as the cause of disturbances which had been raised solely by their own: he thought his resignation would shew them in their proper colours,—would open the eyes of the people, and in due time conduct the whole nation to a knowledge of its sincerest and most disinterested friends."

XXV. After all, it is impossible to speak of the Earl of Bute's private motives with confidence or certainty. They were probably known but to a few of his most intimate friends, the faithful depositaries of his secrets. But whatever might have been the cause of his resignation, it certainly did not abate the popular ferment, as the ends of the popular leaders were not in any respect answered

answered by it. The door still remained shut against their admission into office. Mr. Grenville was appointed first commissioner of the treasury and chancellor of the exchequer; and his former seat at the head of the admiralty was filled by lord Sandwich. The Earls of Halifax and Egremont continued to be the two secretaries of state: Mr. Fox was removed to the upper-house, on being created Lord Holland; but as no new characters were introduced, the conduct of public affairs did not appear to be in the smallest degree affected by the late minister's retirement.

XXVI. On the nineteenth of April, just three days after those arrangements in administration had taken place, his majesty went to the house of lords, and closed the session with the following speech *:

“ My lords and gentlemen,

“ I cannot put an end to this session of parliament, without expressing my thanks for the signal zeal and dispatch which you have manifested in your proceedings, and which make it unnecessary for me to continue it any longer.

“ I informed you at your first meeting, that preliminary articles were signed by my minister and those of France and Spain: I ordered them to be laid before you, and the satisfaction I felt at the approaching re-

* The day before the prorogation of parliament, the attention of the populace was for a little time diverted from politics, by the public entry of two ambassadors extraordinary from the republic of Venice. The first part of the procession was by water, and began at Greenwich between twelve and one o'clock. There were three state barges, besides an immense number of other barges belonging to the nobility and gentry. They landed about three o'clock at the Tower; and there forming a grand cavalcade, proceeded with a long train of carriages, and of attendants on horseback, and on foot, to Somerset-house, where they were magnificently entertained at the king's expence, till their audience of his majesty, which took place on the twenty-first with great state and ceremony, after which their excellencies were conducted to their own house in Ormond-street.

establish-

establishment of peace, upon conditions so honourable to my crown, and so beneficial to my people, was highly increased by my receiving from both houses of parliament the strongest and most grateful expressions of their entire approbation. These articles have been established, and even rendered still more advantageous to my subjects, by the definitive treaty; and my expectations have been fully answered by the happy effects which the several allies of my crown have derived from this salutary measure. The powers at war with my good brother the king of Prussia have been induced to agree to such terms of accommodation as that great prince has approved; and the success, which has attended my negotiation, has necessarily and immediately diffused the blessings of peace through every part of Europe.

“ I acquainted you with my firm resolution to form my government on a plan of strict economy. The reductions necessary for this purpose shall be completed with all possible expedition; and although the army maintained in these kingdoms will be inferior in number to that usually kept up in former times of peace, yet I trust that the force proposed, with the establishment of the national militia (whose services I have experienced, and cannot too much commend) will prove a sufficient security for the future.

“ Gentlemen of the house of commons,

“ I have seen, with the highest concern, the great anticipations of the revenue, and the heavy debts unprovided for during the late war, which have reduced you to the unhappy necessity of imposing further burthens on my people. Under these circumstances, it is my earnest wish to contribute by every means to their relief. The utmost frugality shall be observed in the disposition of the supplies which you have granted; and when the accounts of the money arising from the sale of such prizes as are vested in the crown shall be closed, it is my intention to direct that the produce shall be applied to the public service.

“ My

" My Lords and Gentlemen,

" The extension of the commerce of my subjects, the improvement of the advantages we have obtained, and the increase of the public revenue, are the proper works of peace. To these important and necessary objects my attention shall be directed. I depend upon your constant care to promote in your several counties that spirit of concord and that obedience to law, which is essential to good order, and to the happiness of my faithful subjects. It is your part to discourage every attempt of a contrary tendency; it shall be mine to maintain the honour of my crown, and to protect the rights of my people."

XXVII. This speech, though breathing the true spirit of a patriot king, and carrying with it an indisputable proof of its sincerity in the promised application of the French prize-money to the public service, was a few days after criticised with the utmost malignity and insolence in a periodical publication entitled the NORTH BRITON. It is almost unnecessary to add, that the author of so shameless a libel was John Wilkes, a character too notorious to require, and too contemptible to deserve, historical portraiture. He was, at that time, member of parliament for Aylesbury, and being involved in the greatest distress by vice and dissipation, had often applied to the ministry for some post that might repair his shattered fortunes. But prepossessions arising from his known profligacy were so strong against him, that failing of success, he resolved, as he openly declared, to try how far it was practicable to carry the licentiousness of language, under pretext of exercising the liberty of the press. Though he had no pretension to genius, or eloquence, he possessed the more dangerous talent of expertness in seasoning his writings to suit the taste, and to inflame the minds of the vulgar. Perceiving the stoical indifference of the ministry with regard to their own persons, he aimed his abuse at majesty itself, and in the forty-fifth number of his paper, animadverted upon the king's speech with such daring

acrimony, that the secretaries of state thought themselves obliged, in vindication of the grossly insulted honour of the sovereign, to take up the author. The process for this purpose was a loose office form, which had been constantly practised ever since the revolution, and never, in any instance, censured during that period. It was a warrant of a general nature, signed by Lord Halifax, and directed to four of his majesty's messengers, commanding them to apprehend, without specifying any names, the authors, printers, and publishers of that seditious and treasonable paper.

XXVIII. In consequence of these orders, George Kearsley the publisher, and several printers were apprehended; and their examination affording sufficient ground for fixing upon Mr. Wilkes as the author, the messengers went to his house on the twenty-ninth of April, late at night, and produced their warrant. Mr. Wilkes excepted to its generality, and as his name was not mentioned in it, he threatened the first man who should offer violence to his person in his own house at that unreasonable hour. The messengers thought proper to retire; but they returned next morning, and carried him in a coach before one of the secretaries of state, partly, as he alleged, by force. On his refusing to answer any questions relative to the charge brought against him, the following warrant for his commitment was signed by both the secretaries of state, and was addressed to the Constable of the Tower, or his deputy:

XXIX. "These are, in his majesty's name, to authorise and require you to receive into your custody the body of John Wilkes, Esq. herewith sent you, for being the author and publisher of a most infamous and seditious libel, entitled, *The North Briton*, No. XLV; tending to inflame the minds and alienate the affections of the people from his majesty, and to excite them to traitorous insurrections against the government: and to keep him safe and close, until he shall be delivered by due course of law; and for so doing this shall be your warrant.

warrant. Given at St. James's, the thirtieth of April 1763, in the third year of his majesty's reign."

XXX. A copy of this warrant was readily granted to Mr. Wilkes's solicitor by Major Rainsford, the commanding officer at the Tower; but no persons were admitted to speak with the prisoner. Though the like measures had been constantly adopted upon similar occasions; and though the zeal and indignation of the secretaries of state against so audacious a delinquent might well excuse much greater severity; yet the refusal of admittance to Mr. Wilkes was represented as an infringement of the rights of the subject, and a wanton stretch of tyrannical cruelty. The seizure and sealing up of his papers, a thing never omitted upon taking into custody any person charged with being the author of a treasonable libel, was called downright robbery, notwithstanding the peculiar delicacy that was observed in the present case: for the under-secretary of state, and the solicitor to the treasury attended, and invited the friends of Mr. Wilkes to be present at sealing up his papers, an operation which had in past times been always performed by the messenger, were he ever so rude or illiterate. Even the committal to the Tower, which was chosen from respect to the person of a member of parliament, was employed by the agents of faction to excite terror, and to swell the popular alarm.

XXXI. Immediately on the first intimation of Mr. Wilkes's having been apprehended by the king's messengers, a motion was made in the court of common pleas for an *habeas corpus*, which was granted; but the prothonotary's office not being open, the *habeas corpus* could not be sued out till four o'clock in the afternoon, before which time Mr. Wilkes had been committed to the Tower. The Monday morning after, the court of common pleas ordered a return to the writ, which having been served upon the messengers only, their return was, that Mr. Wilkes was not then in their custody. The court not judging that return to be sufficient, would not suffer it to be filed; and another writ of *ba-*

hæc corpus was granted, directed to the Constable of the Tower and his officers; in consequence of which the prisoner was brought up next day, May the third, to Westminster-hall.

XXXII. As soon as Mr. Wilkes was conducted to the bar of the court, he made a formal speech, replete with virulent expressions against the ministry, affected compliments to the king, and laboured encomiums upon himself as a dauntless champion and persecuted sufferer in the cause of liberty. Pleadings followed on both sides; and the prisoner was remanded to the Tower, till Friday the sixth of May, that the judges might have leisure to consider the case, and to form their opinion; but, in the intermediate time, his friends and lawyers were to have free access to his person.

XXXIII. When Mr. Wilkes was again brought to Westminster-hall, he made a second speech, of the same inflammatory tendency as the former, and of which, as it was then cried up as a master-piece of oratory, it may be proper to subjoin a copy, in order to shew how easily the populace may be amused by sounding words, and hallooed on to sedition by a pompous jumble of nonsense, inconsistency, and falsehood.

"My lords," said the prisoner, "far be it from me to regret that I have passed so many more days in captivity, as it will have afforded you an opportunity of doing, upon mature reflection and repeated examination, the more signal justice to my country. The liberty of all peers and gentlemen, and what touches me more sensibly, that of all the middling and inferior class of people, who stand most in need of protection, is in my case this day to be finally decided upon: a question of such importance as to determine at once, whether English liberty be a reality or a shadow. Your own free-born hearts will feel with indignation and compassion all that load of oppression under which I have so long laboured. Close imprisonment, the effect of premeditated malice, all access for more than
two

two days denied to me, my house ransacked and plundered, my most private and secret concerns divulged, every vile and malignant insinuation, even of high treason itself, no less industriously than falsely circulated by my cruel and implacable enemies, together with all the various insolence of office, form but a part of my unexampled ill-treatment. Such inhuman principles of *star-chamber* tyranny will, I trust, by this court, upon this solemn occasion, be finally extirpated; and henceforth every innocent man, however poor and unsupported, may hope to sleep in peace and security in his own house, unviolated by king's messengers, and the arbitrary mandates of an overbearing secretary of state.

"I will no longer delay your justice. The nation is impatient to hear, nor can be safe or happy till that is obtained. If the same persecution is, after all, to carry me before another court, I hope I shall find that the genuine spirit of *Magna Charta*, that glorious inheritance, that distinguishing characteristic of Englishmen, is as religiously revered *there*, as I know it is *here*, by the great personages before whom I have now the happiness to stand; and (as in the ever-memorable case of the imprisoned bishops) that an independent jury of free-born Englishmen will persist to determine my fate, as in conscience bound, upon constitutional principles, by a verdict of *guilty*, or *not guilty*. I ask no more at the hands of my countrymen."

XXXIV. The sentence of the court is the best comment on this speech, which, though seemingly addressed to the judges, was in reality an appeal to the passions and to the undiscerning ignorance of the multitude. By that sentence it appeared, that the pretended victim of *star-chamber* tyranny had been *legally* committed; that not only a secretary of state, but any common magistrate was fully authorised to proceed against him in the same manner, and on the same grounds; that his complaint, therefore, of *arbitrary mandates* and of *unexampled ill-treatment* was an absurd fiction; that the liberty of the subject, or, to use his own words, of *all*

the middling and inferior class of people, had not been violated, and had even no connection with his particular case; and that the only plea, upon which he could now be discharged, was his privilege as a member of parliament, a privilege that implied an exemption from the ordinary course of law, a shield, behind which this champion for the rights of his fellow-citizens had often practised the most dishonourable and dishonest tricks with impunity.

XXXV. Lord Chief-Justice Pratt, in delivering the opinion of the court, stated the case under three heads, which had been chiefly insisted upon in the pleadings: first, the legality of Mr. Wilkes's commitment; secondly, the necessity for a specification of those particular passages in the forty-fifth number of the North Briton, which had been deemed a libel; and, thirdly, Mr. Wilkes's privilege as a member of parliament.

XXXVI. In regard to the first, his lordship remarked, that he would consider a secretary of state's warrant, through the whole affair, as nothing superior to the warrant of a common justice of the peace; and that no magistrate had, in reality, a right *ex officio*, to apprehend any person, without stating the particular crime of which he was accused: but, at the same time, he observed, there were many precedents where a nice combination of circumstances gave so strong a suspicion of facts, that, though the magistrate could not be justified *ex officio*, he was, nevertheless, supported in the commitment, even without receiving any particular information for the foundation of his charge. The word *charge*, his lordship took notice, was in general much misunderstood, and did not mean the *accusation* brought against any person taken up, but his *commitment* by the magistrate before whom he might be brought. Upon the whole of this point, according to the customary rule which had been for a series of years observed by the judges of the law, his lordship was of opinion, that Mr. Wilkes's commitment was not illegal.

XXXVII. As to the second point in discussion, which

which Mr. Wilkes's counsel had contended, that a specification of the particular passages in the North Briton which were deemed libellous, ought to have been inserted in the body of the warrant, his lordship did not think any such specification necessary; for even supposing the whole of the obnoxious paper to have been copied into the warrant, yet it by no means came under the cognisance of the court at that time. The matter then in consideration was, not the nature of the offence, but the legality of the commitment; the nature of the offence not resting in the bosom of a judge without the assistance of a jury, and not being a proper subject of inquiry, till regularly brought on to be tried in the usual way of proceeding.

XXXVIII. With respect to the third head, which was the plea of privilege, his lordship remarked, that there were but three cases which could possibly affect the privileges of a member of parliament, and these were *treason, felony, and the peace*. The *peace*, as it is written in the institutes of the law, his lordship explained to signify a *breach of the peace*. He said, that the commitment of the seven bishops for *endeavouring to disturb the peace* happened in an arbitrary reign, when there was but one honest judge out of four in the court of king's bench, and he had declined giving any opinion. "If then," continued his lordship, "the privilege of parliament is to be held sacred and inviolable, except in the three particular cases wherein it is forfeited, it only remains to examine how far Mr. Wilkes's privilege is endangered in the present instance. He stands accused of writing a libel. A libel, in the sense of the law, is a *high misdemeanor*, but does not come within the description of *treason, felony, or breach of the peace*. At most, it has but a *tendency to disturb the peace*, and consequently cannot be sufficient to destroy the privilege of a member of parliament."

XXXIX. The court then discharged Mr. Wilkes, who returned the judges his thanks in the name of *the public, of the whole English nation, and of all the subjects*

jects of the English crown, for his liberty; though it is very evident, that he obtained it only under the circumstance of his being a member of parliament. As soon as he had done speaking, the mob expressed their satisfaction by a shout, which was often repeated. Crowds followed him with loud huzzas wherever he went. Though he had not been a week in confinement, he was considered as the martyr of liberty: and, from the effect of still greater infatuation, his discharge, on account of privilege, was looked upon as a point gained to the freedom of every individual.

XL. In the morning after Mr. Wilkes's release from the Tower, he wrote a letter to the two secretaries of state, complaining, that, during his confinement, his house had been *robbed*; and that, being informed the *stolen goods* were in the possession of their lordships, he insisted upon restitution. Next day he repaired to a justice of peace, and demanded a warrant to search the houses of the two secretaries; which was, of course, refused by the magistrate. Though nothing could be more impotent and extravagant than such proceedings, yet the secretaries of state thought proper to return, under their own hands, a serious answer to his absurd charge. They took notice of the indecency and scurrility of his language; but they very candidly explained the legal motives for the seizure of his papers, informing him, that such of them as did not lead to a proof of his guilt should be restored, but that the rest would be delivered over to those whose office it was to collect the evidence, and to manage the prosecution against him. This explanation only afforded Mr. Wilkes a fresh opportunity of sending to their lordships a second letter stuffed with still grosser insults than the former, but such as added to his reputation among the populace.

XLI. Another circumstance happened about the same time, which Mr. Wilkes was equally eager to lay before the public. One of the secretaries of state had written to Earl Temple, who was lord lieutenant of the county of Buckingham; signifying to him his majesty's pleasure

A. D. 1763.

GEORGE, III.

27

pleasure, that Mr. Wilkes should be dismissed from being colonel of the militia for that county. This order was communicated to Mr. Wilkes with much seeming concern by his lordship, who was himself soon after removed from the lieutenancy of the county, to make way for Lord Despencer, late Sir Francis Dashwood. The letters that passed on this occasion were printed and industriously circulated, as a farther proof of the cruel persecution Mr. Wilkes suffered. The rabble, whose pity he thus endeavoured to secure, were incapable of reflecting, that the libeller of the king and government of any country is a very improper person to be intrusted with the chief means of its internal security and defence.

XLII. Soon after this, Mr. Wilkes having caused a printing press to be set up, under his own direction, at his house in Great George Street, advertised the proceedings against him, and the original papers, to be sold for a guinea. The exorbitancy of the price was a sufficient evidence that he intended this publication should not only indemnify him for his sufferings and expence, but should also help to recruit his exhausted finances. He now put to the proof the shrewdness of one of his own favourite remarks, which he often made to his bosom friends and bottle companions, and by which his conduct was uniformly regulated: "The public is a goose; and that man must be a d—d fool, who does not know how to pluck a feather."—This first scheme, however, of *plucking*, as he called it, or of levying contributions on the folly and credulity of the public, was not crowned with all the success that he expected; and the re-appearance of the North Briton, with all his farther efforts to increase the number of his seditious adherents, was so far from intimidating ministry, that an information was filed against him in the court of king's bench, at his majesty's suit, as the author of the aforesaid libel.

XLIII. A step was also taken by some writer on the side of government, which gave a severe shock to Mr. Wilkes's veracity. This gentleman was called upon

in the public papers to make good an assertion which he had advanced in his first speech at the court of common pleas, that corrupt offers had been made to him by the government: he was desired to declare when, how, or by whom such offers had been made, and what they were. Neither Mr. Wilkes nor any of his friends thought proper to take the least notice of this peremptory challenge, though often repeated, and affecting the credit of his whole narrative. It was farther observable, that almost all the men of sense and character in the opposition despised, and stunned him; and that none of his deepest schemes could induce them to engage in any general measure for supporting either his cause or himself.

XLIV. But the rabble, of whom Mr. Wilkes was now become the idol, paid little regard to the detection of his falsehoods, or the failure of his attempts to secure more respectable support and patronage. Their delusion was confirmed, and the heat of their passions was continually exercised and increased with great art and industry. The printers, and some other persons, who, as well as Mr. Wilkes, had been taken up by general warrants, sought redress at law; and such was the temper of the times, which, by being diffused among the people, was supposed to have influenced the juries, that they obtained damages greatly beyond their real sufferings, and, possibly, beyond their own most sanguine hopes. These actions were prosecuted in such a manner, that the public attention to them was kept constantly alive. It seemed as if freedom had every day a new conflict to undergo, and obtained every day a new victory. Administration, on the other hand, opposed them by all the advantages, which the law allows to those who act on the defensive; and sometimes by the interposal of privilege kept this matter still longer in agitation; insomuch that, until the meeting of parliament, scarcely any thing else could enter into the thoughts or conversation of the people. On this point, therefore, it was expected the great trial of strength and

and skill in the ensuing session would be made.

XLV. While both parties were vigorously preparing for the intended struggle, an event took place, which for a few days diverted their attention to another object, and seemed at first likely to occasion a change in the ministry. This was the earl of Egremont's sudden death of a fit of the apoplexy, on the twenty-first of August. His majesty, upon this event, gave way to some overtures for a coalition of interests. The proposal, which was first made to Mr. Pitt by the Earl of Bute, was readily embraced by the former, and he appeared at court with great alacrity. Mr. Grenville offered, for the tranquillity of his majesty's government, to resign his place of first commissioner of the treasury, and to accept of any post that was not utterly inconsistent with his rank in life. The accommodation appeared the more practicable, as none of the great leaders testified the smallest unwillingness to be again associated in office with the earl of Bute. But when Mr. Pitt, at a second interview with the king, came to propose the particular arrangements, it appeared that he wished to engross for himself and his friends all the important offices of the state, and that none but subordinate situations were to be left for those to whom the king thought himself bound by the strongest ties of honour and justice. The treaty, therefore, proved ineffectual; but his majesty's firmness made up for all inconveniencies, and the administration soon returned to its natural channel.

XLVI. There were at this time two very important vacancies, that of secretary of state occasioned by lord Egremont's death, and that of president of the council, which had not been filled since the decease of lord Granville. The seals of the former office were given to lord Sandwich, who had been named to go ambassador to Spain; and the duke of Bedford succeeded to the president's chair. Some other promotions took place on the same occasion, the most remarkable of which were the removal of lord Egmont from the post-office to the admiralty, the duke of Marlborough's acceptance

ance of the privy-seal, and the appointment of the earl of Hillsborough to be first lord of trade and plantations, in the room of lord Shelburne. The earl of Bute's continuance in retirement, and several other circumstances which appeared while the late treaty was on foot, made it evident to the world, that the subsisting administration did not, from the beginning, by any means act under the influence, nor altogether in concurrence with the opinion of that minister, whose resignation had raised them to the direction of affairs.

XLVII. Mr. Pitt, the duke of Newcastle, and their respective friends, were very much disappointed at the issue of the late conferences. They had looked upon the proposals made to them as an acknowledgment, that the persons then in office could not go on without the accession of their strength; and this mistaken idea had occasioned the unreasonable demands of the popular leaders, which amounted to little short of a proscription of the king's most faithful servants. But as soon as the negotiation was broken off, and when they saw the helm of state, which they had just fancied to be within their grasp, intrusted to other hands, they determined to rally all their forces; to renew their attacks on *the infirmities of the peace* *; to destroy the credit of the magistracy, by representing every step taken to preserve good order as so many strides towards the establishment of despotism; to render the late exercise of the royal prerogative odious, because a deference had not been paid to the opinion of the mob, or to the dictates of an imperious cabal, in the appointment of an administration; and by all these combined efforts to shake, if possible, the foundations of that power, which seemed to bid them defiance. The ministry, on their part, did not appear to shrink from the contest, but with equal judgment and spirit improved the advantages of their situation, which afforded them an opportunity of striking the first blow.

* All Mr. Pitt's former harsh and outrageous censures of the peace were softened into this courtly phrase, in his conversation with the king.

A. D. 1763.

GEORGE III.

XLVIII. At the meeting of parliament on the fifteenth of November, the king made the following speech to both houses:

"My lords and gentlemen,

"The re-establishment of the public tranquillity, upon terms of honour and advantage to my kingdoms, was the first great object of my reign: that salutary measure has received the approbation of my parliament, and has since been happily completed, and carried into execution, by the definitive treaty. It has been, and shall be, my endeavour to ensure the continuance of the peace, by a faithful and steady adherence to the conditions upon which it was concluded: and I have the satisfaction to acquaint you, that the several powers of Europe, who were engaged against us in the late war, have given me the strongest assurances of the same good disposition. Our principal care ought now to be employed to improve the valuable acquisitions which we have made, and to cultivate the arts of peace in such a manner as may most effectually contribute to extend the commerce, and to augment the happiness of my kingdoms.

"For these great purposes I have called you together. It will ever be my earnest wish and endeavour to demonstrate to my people, by my actions, the love which I bear them; and I doubt not of receiving from them the grateful and just returns of duty and affection."

"Gentlemen of the house of commons,

"I will order the proper estimates for the service of the year to be laid before you. The heavy debts contracted in the course of the late war, for many of which no provision is yet made, call for your utmost attention, and the strictest frugality. I must, however, earnestly recommend to you the support of my fleet, to which our past successes have been so much owing, and upon which the future welfare and importance of Great Britain do most essentially depend. To ease my people of some share of those burthens, I have directed, as I promised at the end of last session of parliament, that the

VOL. II.

E

money

money arising from the sale of the prizes vested in the crown should be applied to the public service. It is my intention to reserve, for the same use, whatever sums shall be produced by the sale of any of the lands belonging to me in the islands in the West Indies, which were ceded to us by the late treaty.

“The improvement of the public revenue, by such regulations as shall be judged most expedient for that purpose, deserves your serious consideration. This will be the surest means of reducing the national debt, and of relieving my subjects from those burthens, which the expences of the late war have brought upon them; and will, at the same time, establish the public credit upon the most solid foundation.

“My lords and gentlemen,

“As the interests and prosperity of my people are the sole objects of my care, I have only to desire, that you will pursue such measures as are conducive to those ends, with dispatch and unanimity. Domestic union will be essentially necessary to remedy those evils, which are the consequences of war; to enable us to reap the most permanent advantages from the conclusion of the peace; and to discourage that licentious spirit, which is repugnant to the true principles of liberty, and of this happy constitution. In this opinion I trust that my subjects will be confirmed by your example, and that they will be taught by your proceedings, to unite their utmost endeavours to support such measures, as may equally tend to the honour and dignity of my crown, and to their own security and happiness.

XLIX. It would be easy to point out many beauties both of sentiment and language in this speech; but it has been particularly admired as a masterpiece of political ingenuity. Nothing, indeed, could have been better contrived than its opening with some remarks on the peace, in order to draw from parliament a reiterated approbation of that measure, and to signalize the triumph of the ministry upon that point, on which the opposition had been most successful during the adjournment of the

two houses. The parliament could not refuse to justify its own act; and this would naturally lead them to the censure of those writings which had involved men of all parties, and the whole legislature, in one accusation. The contrast also, which was drawn with great delicacy and truth between the vast expences of the late war and the present system of frugality, between the former accumulation of the public debts, and the generous sacrifices now made by the crown to the relief of the subject, could not fail of disconcerting the most passionate declaimers against government: and, lastly, the hints thrown out towards the close of the speech on the licentious spirit of the times, and on the necessity of discouraging it, as repugnant to liberty, and to the constitution, were an excellent prelude to the intended proceedings against Mr. Wilkes, and on the question of privilege.

The instant the commons were returned to their own house from the lords, and before the king's speech was reported to them, according to the usual form, the chancellor of the exchequer acquainted the house, by his majesty's command, "that his majesty having received information, that John Wilkes, Esq. a member of that house, was the author of a most seditious and dangerous libel, published since the last session of parliament, he had caused the said John Wilkes, Esq. to be apprehended and secured, in order to his being tried for the same, by due course of law; and Mr. Wilkes, having been discharged out of custody, by the court of common pleas, upon account of his privilege as a member of that house; and having when called upon by the legal process of the court of king's bench, stood out, and declined to appear and answer to an information, which was exhibited against him, by his majesty's attorney general, for the same offence; in this situation his majesty, being desirous to shew all possible attention to the privileges of the house of commons, in every instance wherein they can be supposed to be concerned; and, at the same time, thinking it of the utmost im-

portance not to suffer the public justice of the kingdom to be eluded, had chosen to direct the said libel, and also copies of the examinations upon which Mr. Wilkes was apprehended and secured, to be laid before that house for their consideration." Mr. Grenville concluded this message with laying the papers on the table; and with moving a resolution, to which the house unanimously assented, viz. "that an humble address be presented to his majesty, to return him the thanks of the house for his most gracious message, and for the tender regard therein expressed for the privileges of the house, and to assure his majesty that the house would forthwith take into their most serious consideration the very important matter communicated by his majesty's message."

LI. Then the house proceeded to examine the papers, which were copies of the North Briton, No. XLV, and of the examinations of Richard Balfe, the printer, and of George Kearsley, the publisher; by which it appeared, that government had been well founded in the proceedings against Mr. Wilkes, as the author of that production. A very long and warm debate ensued. It was strongly urged by the gentlemen in the opposition, that no greater liberties had been taken by the author of the obnoxious paper, with regard to his majesty's speech, than what had been common upon former occasions of the same kind; and that the speech of the king had never been considered in any other light than that of the minister, and had always been treated with equal freedom. But these arguments were easily refuted by a reference to the words of the libel itself, which far surpassed, in the vulgarity of its abuse, and the grossness of its scurrilous reflections on the king's probity as well as his person, the most daring invectives that had ever been uttered against government. It was therefore re-

• This message was in conformity to the established practice of government, when any criminal process has been issued against a member, to inform the house of the grounds of the supposed offence, and of the steps taken to bring the delinquent to justice.

solved by a majority of two hundred and seventy three, against one hundred and eleven, "That the paper, entitled the North Briton, No. XLV, is a false, scandalous, and seditious libel, containing expressions of the most unexampled insolence and contumely towards his majesty, the grossest aspersions upon both houses of parliament, and the most audacious defiance of the authority of the whole legislature; and most manifestly tending to alienate the affections of the people from his majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traiterous insurrections."

LII. In consequence of this resolution, an order was agreed to by the house, that the said paper should be burnt by the hands of the common hangman. Mr. Wilkes, who had several times stood up, being now admitted to speak, complained to the house of breach of privilege, by the imprisonment of his person, the plundering of his house, the seizure of his papers, and the serving him with a subpoena upon an information in the court of King's Bench. As no legal conviction yet lay against Mr. Wilkes, of his being the author of the paper, his complaint was perfectly regular. A more particular hearing of it, and the farther consideration of the king's message were adjourned to the twenty third of November.

LIII. Though the commons met on the sixteenth, seventeenth, and eighteenth, they did very little business, on account of the speaker's indisposition, except that of preparing an address of thanks to the king for his gracious speech from the throne. The address contained nothing remarkable, being merely an echo of the speech, except the congratulations of the house on the auspicious birth of another prince, and on the queen's happy recovery.* It was expected, that the clause in the address

* The queen was delivered of her second son, the present duke of York, at St. James's, on the sixteenth of August, at ten o'clock in the morning. He was elected by the chapter of

deeds relating to the licentious spirit of the times would have occasioned some debate; but it passed without any division. The address of the lords turned on the same topics as that of the commons: but they were a little more pointed in their remarks on licentiousness. "Convinced," said they, "as we are, that domestic union is essentially necessary for securing the advantages derived to us from the late happy and honourable peace, we cannot sufficiently express our abhorrence of that seditious spirit which has of late manifested itself in defiance of the laws, to the subversion of good order, and to the disgrace of liberty, whose sacred name it has so insolently assumed. And we beg leave to assure your majesty, that by our zeal and application in bringing all offenders of that sort to justice, as well as by our proceedings in general, we will endeavour to give such an example as may induce your majesty's subjects to unite in discouraging a licentiousness which is so repugnant to the true principles of this happy constitution, and in promoting such measures as may equally conduce to the honour and dignity of your majesty's crown, and to their own happiness and security."

LIV. On the twenty third of November, the commons resumed the adjourned consideration of his majesty's message of the fifteenth; and a motion was made, "That privilege of parliament does not extend to the case of writing and publishing seditious libels, nor ought to be allowed to obstruct the ordinary course of the laws, in the speedy and effectual prosecution of so heinous and dangerous an offence." As this resolution tended to confine within narrower limits the supposed privileges of every member of the legislature, and was also diametrically opposite to the late determination of the court of Osnaburgh to be their bishop and sovereign, on the twenty seventh of February, 1764, in conformity to a provision in the treaty of Munster, according to which the right of succession to that bishopric, when vacant, goes alternately to the houses of Hanover and Bavaria. He was created duke of York and Albany, on the seventh of November, 1784.

common pleas, the ministry were deserted by a few of their usual supporters, and the opposition made a vigorous, though finally ineffectual stand against it. Mr. Pitt exerted himself with extraordinary ardour in this debate; and as the extent of his conceptions, the acuteness of his remarks, and the powers of his eloquence left very little to be said by any other person on the same side of the question, his speech, which has been faithfully preserved, precludes every vain attempt to give a more impressive form to the chief arguments that were urged against the surrender of privilege.

LV. He represented such a surrender "as highly dangerous to the freedom of parliament, and an infringement on the rights of the people. No man," he said, "could condemn the paper or libel more than he did; but he would come at the author fairly,—not by an open breach of the constitution, and a contempt of all restraint. This proposed sacrifice of privilege was putting every member of parliament, who did not vote with the minister, under a perpetual terror of imprisonment. To talk of an abuse of privilege, was to talk against the constitution, against the very being and life of parliament. It was an arraignment of the justice and honour of parliament, to suppose that they would protect any criminal whatever. Whenever a complaint was made against any member, the house could give him up. This privilege had never been abused; it had been reposed in parliament for ages. But take away this privilege, and the whole parliament is laid at the mercy of the crown. Why," continued he, "is a privilege, which has never been abused, to be voted away? Parliament has no right to vote away its privileges. They are the inherent right of the succeeding members of this house, as well as of the present members; and I very much doubt whether a sacrifice made by this house is valid and conclusive against the claim of a future parliament."

LVI. With respect to the paper itself, or the libel which had given pretence for this request to surrender

the privileges of parliament, he observed, that the house had already voted it a libel—he joined in that vote. He condemned the whole series of North Britons: he called them *illiberal, unmanly, and detestable*. He abhorred all national reflections. “The king’s subjects,” he said, “were one people. Whoever divided them was guilty of sedition. His majesty’s complaint was well founded: it was just: it was necessary. *The AUTHOR did NOT deserve to be ranked among the HUMAN SPECIES—he was the BLASPHEMER of his GOD* and the LIBELLER of his KING.* He had no connection with him: he had no connection with any such writer: he neither associated nor communicated with any such. It was true, that he had friendships, and warm ones: he had obligations, and great ones: but no friendships, no obligations could induce him to approve what he firmly condemned. It might be supposed, that he alluded to his noble relation [lord Temple]. He was proud to call him his relation: he was his friend, his bosom friend, whose fidelity was as unshaken as his virtue. They went into office together, and they came out together: they had lived together, and would die together. He knew nothing of any connection with the writer of the libel. If there subsisted any, he was totally unacquainted with it. The dignity, the honour of parliament had been called upon to support and protect the purity of his majesty’s character; and this they had done by a strong and decisive condemnation of the libel which his majesty had submitted to the consideration of the house. But having done this, it was neither consistent with the honour and safety of parliament, nor with the rights and interests of the people, to go one step farther. The rest belonged to the courts below.”

LVII. The other arguments made use of by the opposers of the resolution were little more than repetitions of the doctrine so lately confirmed by the court of King’s Bench; that the privilege of parliament extended to all cases, except *treason, felony, and those*

* The orator here alluded to Mr. Wilkes’s famous, or rather infamous *Essay on Woman*.

offences

offences, in which *sureties of the peace* might be demanded; that libels were breaches of the peace only by inference, and by construction,—not actually, and in their own nature; that this doctrine was supported by the highest law authorities, by the records of parliament, and particularly by two plain resolutions of the house of peers, so far as the question concerned their privilege; and that to relax the rule of privilege, case by case, would be attended with the greatest inconvenience, by rendering the rule itself precarious, in consequence of which the judges would neither know how to decide with certainty, nor the subject to proceed with safety in this doubtful and perilous business.

LVIII. With whatever plausibility and eloquence Mr. Pitt and his party endeavoured to support these opinions, the advocates for the motion very fully demonstrated their fallacy, and established the contrary doctrine on every ground of popularity, liberty, law, precedent, and reason *. They first took a view of the nature of the offence, and shewed that a libel was not only productive of consequences injurious to the peace of individuals, but in many cases, pregnant with danger to the safety, and to the very being of the commonwealth. They asserted, that the distinction between actual and constructive breaches of the peace was trifling and sophistical: that the question was concerning the nature and weight of the offence, and not the name by which it was called: that it would be ridiculous to allow a seditious libeller advantages which were denied to an ordinary breaker of the peace, when sedition was a crime of much greater guilt and importance than a menacing gesture, or even an actual assault: that the privilege of parliament was a privilege of a civil nature, instituted to preserve the member from being distracted in his attention to the business of the nation, by litigations concerning his private property, but by no means to prove a

* A sketch only of the principal arguments is here given in order not to anticipate what the reader will find very strongly enforced in Lord Lyttleton's speech.

protection for crimes. "If," said they, "this distinction of breaches of the peace were to hold, members of parliament might not only libel public and private persons with impunity, but might, with the same impunity, commit many other misdemeanors and offences of the grossest nature, and the most destructive to morality and order; because they, as well as libels, are breaches of the peace, but by construction, and in their consequence. If privilege were of this nature, the freedom of the members would be the slavery of the subject, and the danger of the state."

LIX. In reply to Mr. Pitt's grand argument, that no evil could arise from the continuance of the privilege in cases of libels, as, *whenever a complaint was made against any member, the house could give him up*, they observed, "that this remedy might come too late; for, as the offender could not be arrested, and held to bail, he might easily escape by the length of time necessary to be taken in that mode of process, and by the public nature of the complaint. Besides, this argument, if at all admitted, would prove too much: the same reasoning might hold as well in treason, felony, and actual breaches of the peace. No doubt, either house of parliament would, on complaint, deliver up their members charged with such offences; yet, it was allowed, that the privilege neither did nor ought to cover them: and no one criminal seemed more within the reason of privilege than another. Privilege of parliament," they added, "being defined solely by the discretion of either house for itself, was a matter of the most delicate nature; it was therefore to be used with the utmost moderation. If it should be so exercised as to appear incompatible with the public peace or order, or even, perhaps, with the safety and quiet of individuals, the people might come to think that they lived under a constitution, injudiciously, and even absurdly framed, in which the personal liberty of the representatives of a free people might become inconsistent with their own. That the house, instead of enlarging its immunities beyond their original

original intention and spirit,—instead of claiming an invidious and no very honourable privilege, ought to stand forward in giving a noble example of its moderation and its regard to justice. By agreeing to the resolution, it would give this practical lesson, and, at the same time, this comfortable security to the people, that no situation was a sanctuary for those, who presumed to violate the law in any of its parts."

LX. Such were some of the chief points insisted on by those who justified the proposed resolution; and the debate being adjourned till next day, in complaisance to the speaker, the question was carried by a majority of one hundred and twenty five. One of the members was then nominated to go up to the house of lords, to desire a conference for obtaining the concurrence of their lordships; which was accordingly granted; and their lordships, in a few days after, agreed to the resolution, though not without a more obstinate and violent struggle than even that which had taken place in the commons. There is less reason to lament the want of an accurate report of the speeches of the lords in opposition, as it may be fairly presumed that their arguments, though diversified in form, were in substance and spirit nearly the same as those made use of in the lower house. The protest signed by seventeen of them, affords a proof of what has been already remarked, that Mr. Pitt left very little room for the display of novelty, or of originality on that side of the question. But the speech of lord Lyttleton in support of the resolution having been published by himself, is doubly valuable on account of its authenticity and its excellence. Though, perhaps, less ardent than Mr. Pitt's, it has been generally deemed more convincing and unanswerable. That nobleman expressed his sentiments on this delicate and interesting subject in the following manner:

LXI. "My lords,

"After what has been said, with so much weight and authority, by a noble and learned lord, [lord Mansfield] who presides in the highest court of judicature in this

this kingdom with such distinguished abilities, it would be impertinent and vain for me, in speaking upon this question, to argue from precedents or constructions of law, and to tell your lordships that public and seditious libels are breaches of the peace, and much higher breaches of it, in the eye of the law, than forcible entries or forcible detainers; in which cases the house of commons has declared, by a resolution in 1697, that no member of that house hath any privilege. Nor need I observe to your lordships, that the standing order of this house, made in the year 1624, has not been, and cannot possibly be, understood by your lordships as a complete definition of all exceptions to privilege; because, since the making of that order, and before the statute by which forgery was declared to be felony, this house ordered Mr. John Ward to be prosecuted for forgery, without any regard to his privilege, though they knew him to be a member of the lower house of parliament; and because a subsequent standing order, of the eight of June 1757, specifies another exception, not expressed in the former. Both these instances are decisive of the opinion of this house on the question now before you, with regard to the law and usage of parliament: but I shall only beg leave to trouble your lordships with a few observations on the consequences of such an extensive construction of privilege as is contended for by some lords, from whom I am extremely sorry to differ, but from whom I must differ on this occasion, or from all the notions I have formed of that constitution which I am bound to maintain.

“ My lords, all privileges are subordinate to the great laws of society,—to the good order, the peace, and the safety of the state. The noble duke, [the duke of Bedford] who spoke last, has told your lordships very truly, that this, which is now under your consideration, was not given as a favor to the members of parliament, for their own sakes; but as a guard which the constitution has set over their persons and necessary attendants, for the security of that duty they owe to the public. From the intention and end of this privilege, the nature and limitations

limitations of it may be reasonably inferred. It must not be exercised to the grievous inconvenience and detriment of the public: it must not obstruct the public justice: it must not endanger the public safety. Anarchy, my lords, is not liberty, no more than despotism is government: but true liberty and legal government are inseparably connected: what is adverse to the one, is adverse to the other. The legal power of government, in a well constituted state, is the guardian of all privileges, charters, and rights: but this guardian must be unable to execute its great trust, if it is not itself supported by that respect and that reverence which is due to it from those to whom it gives protection. What respect, my lords, or what reverence can be preserved to any government, where sedition may plead privilege, to stop the hands of public justice; and where crimes of the most malignant and dangerous nature, crimes which shake the very foundations of the public tranquility, may claim the protection of a house of parliament, to let them go on unrestrained? Can it be possible that a parliamentary sanction and authority should ever be given to a notion so repugnant to the purpose for which parliaments were established, to the *salus populi*, the supreme object and end of all government?

“The many evils that must attend such a construction of privilege are apparent and dreadful! What is the remedy for those evils? The remedy, we are told, may be properly and safely obtained from either house of parliament, the privilege of which is a bar to all other relief: the justice of the kingdom will be only stopt till the next meeting of parliament, perhaps for six or seven months. As soon as ever it meets, complaint may be made to your lordships, or to the house of commons; and then right will be done. How, my lords, will right be done? It is the doctrine of the commons, that no member can be compelled to waive his privilege. What if he will not waive it? What if, conscious of guilt and apprehensive of punishment, he skulks behind his privilege, and holds it up as a shield between him and justice? Why then

then he may be expelled; and after such expulsion, he may be prosecuted by the king, without offence to the liberty and independence of parliament.

“Is not this, my lords, to declare, that every member of parliament, while he continues a member, though he be guilty of perjury, of misprision of felony, of misprision of treason, though he spread sedition from one end of the kingdom to the other, is absolutely exempt from the justice of the crown. Such an exemption is most abhorrent from the whole spirit and genius of our constitution. It is the worst solecism in politics: it is setting up a kingdom within a kingdom. Something like it I remember to have been claimed by the clergy in the darkeſt ages of ignorance and popiſh ſuperſtition. They ſaid, their perſons were privileged: no proceſs from the king’s courts ought to go out againſt them; but, if any clergyman was accuſed of any heinous miſdemeanor, application might be made to the ſpiritual court: there the cauſe might be tried: and, if that court found him guilty, he would be deprived of his orders; after which, being no member of their ſacred body, the juſtice of the kingdom might take hold of him; but not before.

“This propoſition appeared ſo monſtrous, that even thoſe times would not bear it; and yet, my lords, it may perhaps be thought more excuſable, to ſuffer a number of criminals to be out of the reach of public juſtice, from falſe notions of piety and a reſpect for religion in the perſons of its miniſters, than where it might be imagined that a partiality for ourſelves occaſioned the exemption.

“I will not repeat to your lordſhips the black catalogue of crimes, and the great multitude of criminals, that you have been told by a noble and learned lord, would be comprehended within this conſtruction of privilege, if it ſhould be eſtabliſhed. With regard to all theſe, the king would in effect be dethroned: he would bear the ſword in vain: he would be no terror to evil-doers: his hands would be tied, till your lordſhips, or the lower houſe of parliament, or the convocation, if the offender

offender should belong to their body, would be pleased to unbind them. Is this, my lords, the law and constitution of England, the first maxim of which is, that all justice flows from the crown? The king is sworn to do justice, impartial and equal justice. He is the vicergerent of that God, to whom vengeance belongs. What power upon earth can intercept or delay that righteous vengeance? What power upon earth can have any right, any privilege, to interpose itself between him and the performance of his oath, which is an essential part of the duty he owes to his people? By the constitution of England, allegiance is tied to protection: if you deprive the subjects of the benefit of the royal protection, you dissolve their allegiance.

“With respect to that particular species of crimes which is immediately under your consideration, I will venture to say, that felony itself is in no degree so alarming, so pernicious to the public, as some seditious libels. They respect nothing: they spare nothing: the crown, the legislature, public order, morality, the divine majesty itself is not exempt from their insult. Permit me my lords, to paint to you in a very few words the present condition of this country, with relation to what is called the liberty of the press. If a foreigner were to take his ideas of England from the printed libels on both sides, he would think we had no government, no law, no God. I will spare your lordships the contemplation of so frightful a picture in its full length and dimensions, and confine myself to two points, which, I think, more especially demand your attention.

“There are two advantages, upon which our public welfare and strength particularly depend, both of which these wicked libellers have most diligently and maliciously endeavoured to destroy; I mean the union of the two kingdoms of England and Scotland; and that extinction of party spirit, the bane of all public spirit. —I say, my lords, that extinction of party spirit, which crowned with happiness and with glory the latter years of our late most gracious sovereign, and the beginning

of his present majesty's most auspicious, most benignant, and most prosperous reign. Of these inestimable blessings these execrable writings have attempted to deprive us: they have breathed a spirit of discord, which, if great care be not taken to stop the farther progress of it, will avenge the enemies of this country of all the evils they have suffered from that invincible force and energy, which a very different spirit, a spirit of union and concord enabled us to exert. What can be imagined more injurious, more fatal to our happiness, than weekly and daily libels, sent all over the kingdom, which have a strong and manifest tendency to break those ties of mutual interest and mutual affection, which bind and knit us together; and to raise animosities, jealousies, deadly feuds, and civil wars between the two nations? If the detected authors of such writings, by being members of parliament, a circumstance which in reality much enhances their guilt, may go on with full security, in open defiance of all law and legal authority, to inflame the wounds they have made, to infuse into them new venom, till they are rendered incurable; if this, indeed, be English liberty, then, I am sure, our constitution will be *felo de se*, and wants no enemy but itself to bring it to destruction.

"But we ought to be very careful of the privileges of parliament. Alas! my lords, in that total anarchy, in that dissolution of all government, which this unbounded licentiousness must necessarily produce, will parliaments be secure? When a city is set on fire, if nothing is done to extinguish or stop the conflagration, will the flames respect the senate-house any more than the palace? Great apprehensions are conceived, if your lordships should agree to this resolution, of a terrible abuse of their power in the ministers of the crown, by wantonly and maliciously imprisoning members of parliament, for innocent writings. Many answers may be given to those apprehensions: I shall only insist upon one. The administration of justice and the execution of laws are, by the constitution of our government, intrusted to the crown and

and its officers; but entrusted under checks beneficial to liberty, beneficial to justice. Of all those checks the most effectual is the superintendence of parliament, which is as formidable to the highest magistrate as it is to the lowest,—to the secretary of state as to the justice of peace; and the terror of this must operate in a particular manner where the privileges of parliament itself are concerned. In a bailable case, as this is, the confinement must be presently ended; at the first sitting of the parliament, the house must know of the reasons of the commitment: if they are not sufficient, immediate vengeance will fall on the head of the minister, who has injured the house in the person of its member. Thus, my lords, both the government and our liberty are as safe as the imperfection of human policy will allow them to be. But if you change this wise system,—if you take the executive power from the crown, and place it in either house of parliament, what check, what controul will then remain?—An arbitrary power will be there, which is no where else in our government: an arbitrary power without appeal.

“I therefore hope, that your lordships will not differ from the commons in this resolution: but, at the same time, I respect and venerate the principle, upon which the opposition to it is founded;—a principle of jealous caution, not to do any thing that may hurt the independence of parliament, which is so important to the security of the whole commonwealth. Such a caution is very commendable, and the zeal excited by it meritorious, even where it is mistaken. I congratulate your lordships, I congratulate the whole nation on that zeal being so warm in the breasts of young noblemen, who have spoken so ably and so eloquently in this debate. But in order to preserve the independence of parliament against any future violations on the part of the crown, it will be necessary to preserve the reputation of parliament in the minds of the people, and the love of it in their hearts. How, my lords, can this be done, if they find

it an obstacle to that equal justice which is their birth-right and their safety?

“ Upon the whole, I am confident your lordships will on no account depart from that maxim, which is the corner-stone of all government,—that justice should have its course, without stop or impediment. *Jus, fas, lex, potentissima sint.* This, my lords, is the very soul and essence of freedom. Obstruct this, and you immediately open a door to all violence and confusion,—to all the iniquity and all the cruelties of private revenge,—to the destruction of private peace,—the dissolution of public order,—and, in the end, to an unlimited and despotic authority, which we must be forced to submit to, as a remedy against such intolerable evils. The dominion of law is the dominion of liberty. Privilege against law, in matters of high concernment to the public, is oppression, is tyranny, wheresoever it exists.”

LXII. It will not appear surprising to any unprejudiced and dispassionate reader of this speech, that the majority of the lords who heard it very readily concurred in the resolution of the commons on the question of privilege; and in other resolutions of the lower house relative to the libel;—in the order for its being burnt by the common hangman; and in the propriety of addressing the king to testify their indignation at such unparalleled insolence. The address on this head was drawn up in terms of such warm affection for his majesty's person and government, that it was evident the two houses meant it a mark of their detestation of such scandalous writings, and as a proof to all Europe that their sentiments and those of the ministry were exactly the same in this particular, whatever pains might be taken to impress foreigners with an opposite opinion. His majesty received this testimony of their love, duty, and zeal for the vindication of his honour with the most cordial satisfaction*.

* The following is a copy of the address, with his majesty's answer:

“ Most gracious sovereign,

We, your majesty's most dutiful and faithful subjects,
the

LXIII. But though both houses of parliament, actuated by the strongest motives of loyalty and of true patriotism, had resolved that no plea of privilege should obstruct the regular course of justice in matters of such the lords spiritual and temporal, and commons, in parliament assembled, having taken into our consideration a late false, scandalous, and seditious libel, intituled, *The North Briton*, No. 45, think it our indispensable duty to express our surprise and indignation at finding, that neither the public nor private virtues which so eminently intitle your majesty to the highest veneration, as well as to the most grateful and loyal attachment of all your subjects, nor the gracious expressions of your tender care and affection for your people, in your majesty's speech from the throne at the end of the last session of parliament, which has been thus infamously traduced, should have been sufficient to secure your majesty from so insolent and unexampled an indignity.

"Such indeed, has been your majesty's uniform adherence to the principles of our happy constitution, and such the uninterrupted harmony and good correspondence between your majesty and your parliament, that it is no wonder to see that the same audacious hand, which hath dared thus grossly to affront your majesty, should, at the same time, violate the other sacred regards prescribed by the laws and constitution of this country; aspersing and calumniating every branch of the legislature, and endeavouring to excite, amongst all ranks of your majesty's subjects, such a spirit of discord and disobedience, as could end in nothing but the total subversion of all lawful government.

"Permit us also to express to your majesty our firm persuasion and just confidence, that this most extravagant and outrageous attempt will prove as impotent as it is wicked; that, instead of answering those purposes for which it appears to have been calculated, it will, on the contrary, serve to excite in your faithful subjects the abhorrence of such dangerous practices, to unite them more firmly in their zealous attachment to your majesty's person and government, and in a due reverence for the authority of the legislature; and lastly, that in consequence of your majesty's directions to prosecute the authors of this infamous libel, it will bring such punishment upon those who shall be found guilty of so atrocious a crime, as the laws of their country have prescribed, and as the public justice and safety shall demand."

high concern to the public, and had also ordered the North Briton, No. XLV, to be burnt by the common hangman; yet, when this order was on the point of being executed at the Royal Exchange, under the immediate direction of the city sheriffs, Messrs. Harley and Blunt, the mob became so riotous as to rescue the paper from the executioner before it was consumed, to pelt the constables and other peace-officers with filth and dirt, and to sling a billet snatched from the fire at the foreglats of Mr. Harley's chariot, in consequence of which he was slightly wounded. This riot being reported to the lords and commons, they took up the matter with becoming seriousness; and resolved, after the lords had examined Mr. Harley, "that the rioters were perturbators of the public peace, dangerous to the liberties of this country, and obstructors of the national justice." The sheriffs, at the same time, had the thanks of parliament for their spirited conduct on the occasion; and both houses unanimously joined in an address to his majesty, that he would give directions for the discovery of the rioters.

LXIV. After these steps taken by the whole legislative body to brand the libel itself with the strongest marks of their abhorrence, the commons proceeded in the complaint against Mr. Wilkes as the author of it. But their earnestness in the prosecution was for some time checked by an accident, which, though perilous to Mr. Wilkes, proved very useful to his party, by keep-

His majesty's answer.

"My lords and gentlemen,

"The very affectionate zeal, which you express, for the vindication of my honour, and your declared resolution to support the authority of parliament, cannot fail of being extremely grateful to me. It has been hitherto, and it always shall be, my care to regulate my conduct according to the principles of the constitution. I will not therefore be wanting in carrying the laws into execution, against all who shall presume to violate any of those principles; and in this resolution I doubt not of receiving the hearty concurrence and support both of my parliament and my people."

ing

ing the hopes and spirit of the mob alive, which would probably have expired under an early and final decision of the house against him. In the course of the first day's debate on the king's message respecting the libel, Mr. Samuel Martin, member of parliament for Camelford, and late first secretary of the treasury, whose character had been virulently attacked in some of the early numbers of the North Briton, took an opportunity of remarking, *that the author of those papers was a malignant and infamous coward.* When the house was up, Mr. Wilkes sent a note to Mr. Martin, acknowledging himself to be the author. A duel with pistols ensued, in which Mr. Wilkes was so dangerously wounded, that he could not appear in the house of commons, when the matter of his complaint was to be heard. In consequence, therefore, of a letter from Mr. Wilkes to the speaker, requesting that the farther consideration of his case might be deferred until he was able to attend, the commons put off the hearing of evidence on the charge against him as the author of the libel; but decided the other questions respecting the plea of privilege, and the criminality of the paper, as has been already related.

LXV. During this delay of the direct proceedings of the commons against Mr. Wilkes, they received another message from the king on a much more agreeable subject. The purport of this was to inform them that his majesty, having received proposals for a marriage between the princess Augusta and the hereditary prince of Brunswick, had agreed to the same; and as he could not doubt but that such an alliance would be to the general satisfaction of all his subjects, he promised himself the assistance of that house, to enable him to give his eldest sister a portion suitable to the honour and dignity of the crown. His majesty was not mistaken in the idea that the proposed alliance would prove highly agreeable not only to his parliament, but to the whole nation; for the hereditary prince, though remarkably unfortunate in several enterprizes during the war, had acquired a very high reputation both for courage and conduct, and
had

had particularly endeared himself to the people of England, by his always expressing the strongest regard for the British troops, to whom he never failed to give the preference. The commons, therefore, as well as the lords, to whom the like information was communicated, unanimously resolved to present an address of thanks to the king for this gracious message, and to declare their entire satisfaction at the prospect of an alliance with so illustrious a protestant family, which had so signally distinguished itself in the defence of the liberties of Europe. The commons also assured his majesty, that they would enter into the immediate consideration of this important affair, in such a manner as should demonstrate the zeal, duty, and affection of the house to his majesty; a just sense of the eminent virtues and merit of her royal highness; and a due regard to the honour and dignity of his majesty's family. The address was presented by the whole house; and they voted eighty thousand pounds as a dowry to her royal highness. The prince arrived in England the twelfth of January following: the nuptials were celebrated on the evening of the sixteenth in the most splendid manner; and after passing some days in festivities, their highnesses set out for the continent on the twenty-sixth, loaded with presents from their majesties and the rest of the royal family, and attended by the tears of many, and the good wishes of all, which the prince returned by his prayers for the success of this nation, for which, he said, he had already bled, and would again, with pleasure, on any future occasion *.

LXVI. Mr. Wilkes, though confined by his wound, and almost deserted by his party in both houses of parliament, found means to revive the drooping spirits of the mob by an effort of another kind, which was crowned with temporary success. Encouraged by the

* During the prince's short stay in England, a bill was carried through both houses with unusual dispatch for naturalizing his serene highness; and it received the royal assent the day before his departure for Germany.

verdicts

verdicts which had been given in favor of several persons taken up, like himself, on general warrants, he commenced an action in the court of Common Pleas, against Robert Wood, Esq. the late under secretary of state, for seizing his papers; and on the sixth of December, after a hearing of near fifteen hours, before lord chief justice Pratt, and a special jury, he obtained a verdict with 1000*l.* damages, and costs of suit. In the charge given on this occasion by the judge to the jury, his lordship pronounced the warrant, under which Mr. Wilkes had been apprehended, *unconstitutional, illegal, and absolutely void*; but he also declared, that he was far from wishing a matter of such consequence should rest solely on his opinion, as he was only one of the twelve judges, and as there was also a still higher court, before which the question might be canvassed. "If," said he, "these higher jurisdictions should declare my opinion erroneous, I submit, as will become me, and kiss the rod: but I must say, I shall always consider it as a rod of iron for the chastisement of the people of Great Britain." It is but justice to so truly respectable a character to observe, in direct contradiction to the insinuations at that time thrown out by some of the intemperate friends of the ministry, that this opinion was not tinged with party spirit, nor influenced by party attachments. It was the result of the most profound knowledge, and of the fullest conviction*. It was the very

* His lordship acquired great popularity by his judicial decisions on the illegality of general warrants. The corporation of Dublin took the lead in voting him the freedom of their city in a gold box, accompanied with the thanks of the sheriffs and common council for his just and spirited conduct in the late trials. The lord mayor, aldermen, and common council of London improved upon the example by a vote, that the freedom of the city should be presented to his lordship, and that he should also be requested to sit for his picture, to be placed in Guildhall, as a lasting memorial of their gratitude. Similar compliments were transmitted to him from some other communities in England and Ireland; and the seal of royal approbation was soon after affixed to those testimonies of popular esteem, by creating him a peer of the realm.

opinion

opinion, which this great lawyer, when attorney general, had stated, with equal candour and firmness, to Mr. Pitt, who was at that time secretary of state, and who, notwithstanding his learned friend's declaration against the legality of general warrants, thought himself justified by the practice of office, and by the exigency of the occasion, in having recourse to such extraordinary acts of power.

LXVII. So solemn a decision was considered by the gentlemen in the opposition as a matter of great triumph, which they endeavoured to improve by an incident that happened on the night the verdict was obtained. One Dunn, a Scotchman, and a lunatic, having been overheard to make use of some threatening expressions against Mr. Wilkes, the latter was apprised of them; and Dunn next morning making an effort to get into the house of Mr. Wilkes, whose wound still confined him to his room, he was seized upon, and disarmed of a penknife, with which it was said he intended to assassinate Mr. Wilkes. Dunn was immediately taken into custody by a tipstaff, and carried next morning before one of the judges. A complaint was also exhibited against him in the house of commons, who thereupon ordered the tipstaff to bring him to the bar, and the witnesses against him to attend at the same time. But the house soon received such proofs of his insanity, as engaged them to discharge him from any farther appearance, and to leave him to the course of common law, by which he was for some time committed to prison for want of bail. But notwithstanding the indisputable evidence of his madness, the party still continued to affirm that he had been employed to murder Mr. Wilkes; and so strong were the prejudices and infatuation of the mob at that juncture, that they could see no absurdity in the grossest falsehoods, because the maniac happened to be a Scotchman.

LXVIII. On the sixteenth of December, the house of commons, being tired out by repeated delays of Mr. Wilkes's appearance on account of his wound, and suspecting

pecting that there might be some collusion between him and such of the faculty as attended him, made an order that doctor Heberden and Mr. Hawkins, the former a physician and the latter a surgeon, should observe the progress of his cure, and report their opinion to the house. Mr. Wilkes declined to admit them, though he had before received their visits at the request of Mr. Martin. But in justification of the characters of his own medical attendants, and of the reports they had made from time to time of the state of his health, he sent for doctor Duncan, one of his majesty's surgeons in ordinary, and Mr. Middleton, one of his majesty's serjeant surgeons, observing, in his usual strain of sarcastic humour, "that, as he found the house of commons thought it proper he should be watched, he himself thought two Scotchmen most proper for his spies." It seems, however, that the superior powers of Scotch surgery, or the kind care and concern of the house of commons for Mr. Wilkes's speedy recovery, had the happiest effect: for the house having on the twentieth of December adjourned during the Christmas holidays, Mr. Wilkes found himself well enough, on the twenty-fourth, to set out for France, in order to visit his daughter, who, he said, was then dangerously ill at Paris. The truth is, that Mr. Wilkes, very justly intimidated by the decision of all the preliminary questions relative to his case; by the sentence passed on his seditious libel; by a consciousness, that in the course of the prosecution shocking proofs would appear of his profligacy and irreligion, his disregard of the laws of God, as well as of the laws of well-regulated society, and that no party could any longer espouse so infamous a cause; seized the present opportunity afforded him by the adjournment of the commons, to make his escape.

1764. LXIX. During the recess, it was very confidently asserted by several of Mr. Wilkes's friends, that he would attend the house on the nineteenth of January, which was the last day fixed for his appearance. But, when that day arrived, the speaker produced a letter he

had received by the post from Mr. Wilkes at Paris, stating the impossibility of his attending his duty in parliament at the time required, with a paper inclosed, purporting to be a certificate of one the of French king's physicians, and of a surgeon of the French army, relating to the state of Mr. Wilkes's health, but not authenticated before a notary public, nor the signature thereof verified in any manner. Those papers being read, some medical gentlemen who attended according to order, were called in and interrogated at the bar. It appeared by their testimony, that Mr. Wilkes had refused to admit surgeons appointed by that house to examine into the state of his wound; and his retreat into France rather indicating a distrust of his cause, than any thing amiss in his constitution, the house resolved, that in so doing, he was guilty of a contempt of their authority, and that they would therefore proceed to hear the evidence in support of the charge against him. They considered the letter and the apology he had sent for his non-appearance, together with the certificate that accompanied it, as quite nugatory. If his wound had been in the condition in which he represented it, a journey to Paris was a strange measure; and the consequences arose from his own voluntary act.

LXX. After the examination of the witnesses against Mr. Wilkes had been entered upon by the house, repeated efforts were made by a few of his friends to interrupt, or to procure an adjournment of the farther hearing of evidence: but, to no purpose. The witnesses were all successively called in; and their information appearing satisfactory as to the author of the libel, on the atrocious criminality of which the house had already passed sentence, the expulsion of Mr. Wilkes was voted by a very considerable majority; and a new writ was ordered for electing another member for Ailesbury in his room.

LXXI. To complete the degradation of this late idol of the populace, a book, entitled an Essay on Woman, which he had privately printed and dispersed
amongst

his friends, was presented by one of the secretaries of state to the house of lords. This book, full of the most indecent and profane ribaldry, reflected on the character of a right reverend member of that house,* whose vast extent of erudition and genius added dignity and lustre to his high station. The peers proceeded against the author for a breach of privilege, while he was indicted in the courts below for blasphemy. The warmest of his former advocates were now ashamed to utter a word in his favor; and even the mob, though they did not disrelish faction, could not digest profaneness; they could forgive party-malice, but were shocked at offences against morality, religion, and common decency. Mr. Wilkes was soon run to an outlawry for not appearing to the indictments against him; and the suits, which he had carried on against the secretaries of state, fell of course to the ground.

LXXII. So far the triumph of the ministry was complete. Sentence was passed on the cause, as well as on the person of their most malignant slanderer; and others were, for the future, deprived of that privilege which had been lately thought the strong hold of writers for the opposition. But the secretaries of state were soon attacked on a point, which could hardly be defended by the utmost exertions of their strength and influence. On the fourteenth of February, a motion was made in the house of commons, "that a general warrant for apprehending and seizing the authors, printers, and publishers of a seditious libel, together with their papers, was not warranted by law." Had not this motion been evidently dictated by a wish to render the late conduct of the ministry odious, and to screen Mr. Pitt from the like censure, it could not have met with any plausible resistance.† The friends of administration were far from

* Dr. Warburton, bishop of Gloucester, whose name was most scurrilously inserted in the title page as the author of the notes. The complaint could not otherwise have been properly brought before the house of lords.

† Amongst the infinite number of general warrants, laid ba-

vindicating the practice of general warrants ; but they thought that the abuse of them could not be effectually prevented by a resolution of one branch of the legislature on a single case, and that the remedy should be provided by an act of parliament, distinguishing cases, and specifying those discretionary powers, which the contingent exigencies of government might require to be vested in a secretary of state. They also insisted very strongly on the impropriety of deciding in the house of commons a question then depending in a court of judicature. It was thus they endeavoured to ward off the intended blow; and having, though by a small majority, procured an adjournment of the question till the seventeenth, one of their friends moved, " that after the words, *That a general warrant for apprehending and seizing the authors, printers, and publishers of a seditious and TREASONABLE libel, together with their papers is not warranted by law* ; might be added, *although such warrant hath been issued according to the usage of office, and hath been frequently produced to, and, so far as appears to this house, the validity thereof hath never been debated in the court of King's Bench, but the parties thereupon have been frequently bailed by the said court.*" This state of the question subjected it to new and insurmountable difficulties, because a resolution of the commons, so worded, would imply no less than an imputation of perjury on the court of King's Bench, for admitting to bail persons committed upon such illegal warrants, instead of giving them a free discharge. It was likewise thought a little extraordinary, that the word TREASONABLE, contained in the earl of Halifax's general warrant, was omitted in the original motion. After a very long and warm debate, it was carried, that the farther consideration of the question should be adjourned for four months, fore the house to shew the practice of office, there were two which had been issued by Mr. Pitt ; but as they happened not to be against *libels*, the ground of censure was narrowed, and the security of the subject against the like stretch of power in other cases was not considered by the pretended patriots.

which

which was in the usual phrase, civilly dismissing it. The minority, however, on this point was so very considerable, being two hundred and twenty against two hundred and thirty four, that the ministry may rather be said to have escaped than conquered. The whole fabric of their power seemed to be shook by this contest; but the progress of the session shewed that the formidable numbers of their opponents were mustered only on this single occasion. On all others there was no great difficulty; and the whole scheme of the supplies in particular met with the most perfect acquiescence. A short account of the plan, on which they were raised, will shew how far they were deserving of general approbation.

LXXIII. In contriving this new scheme, the ministry found means to cut off one of the principal sources of popular clamour. Agreeably to the principles which they had laid down in the former session, in which they declared for the most sparing use of taxation, and from the experience concerning the taxes they had then ventured to propose, they now resolved neither to open a loan, nor to have recourse to a lottery; though it is well known, that, in some respects, these loans and lotteries afford no unpleasing opportunities to a minister of obliging his friends, and strengthening his connections. The objects, to which they confined their attention, were first, the settlement of exchequer bills to the amount of one million eight hundred thousand pounds, which had been issued by virtue of an act passed in the preceding year, and then made chargeable on the first aids to be granted in the present session; secondly, the discharge of two millions of a debt contracted on account of the war, and which still remained to be satisfied; and, thirdly, the ways and means for the service of the ensuing year. As the bank contract was to be renewed, the treasury availed itself very prudently of so favorable a conjuncture, and stipulated that this body should take a million of the exchequer bills for two years, at an interest reduced by one fourth, and should also pay a fine, on the renewal, of one hundred and ten thousand pounds.

pounds. This was certainly the most beneficial contract ever before made with that corporation, whose vast money trade is supported by the credit of government. For the rest of the exchequer bills, they struck new ones. They brought to the service of the nation above seven hundred and twenty three thousand pounds, the produce of the French prizes taken before the declaration of war, and which the king generously bestowed upon the public. They also brought to account what had been long neglected, to the detriment of the service, and the reproach of former administrations, the saving on the non-effective men; and this saving amounted to one hundred and forty thousand pounds. With these resources, with the land tax now grown into a settled and permanent revenue of four shillings in the pound, with the duty upon malt, with two millions taken from the sinking fund, being the overplus of that fund, joined to some other savings, they paid off the before mentioned debt, and provided for the current service in all its establishments and contingencies.* They justified their employment of the overplus of the sinking fund by former precedents, by the propriety and wisdom of the measure itself, but principally on the credit of having augmented it by near four hundred thousand pounds in the single article of tea, an immense quantity of which had been brought to pay duty by the prudent measures taken for the prevention of smuggling, and the vigilant collection of the revenue.

LXXIV. This state of supply, and of ways and means met with no opposition in the house of commons. But the party, who had been so silent on the subject within doors, made full amends for that silence by the loudness of their clamour without. All the usual arts of misrepresentation and sophistry were employed to prejudice the public against every part of the account. The want of

* The whole amounted to £7,820,102, which after providing for all the above specified objects would leave a satisfactory surplus.

fair reasoning they supplied by the boldness of their assertions; and denied, in the first place, that the debt which the ministry made a boast of having discharged, was, for the much greater part of it, paid, but only postponed to gain the triumph of a day to the present, and to lie as an heavy burthen upon some future administration. This was nothing more than a repetition of the trite reproach cast upon every chancellor of the exchequer, who at any time laid claim to the merit of paying off a part of the national debt, *that he only paid with one hand what he borrowed with the other*: but it was by no means applicable to the above instance. The debt actually paid amounted to more than two millions; and though the exchequer bills were not discharged, yet surely there was some merit in transferring one million of them, when at an alarming discount, to the bank at a reduced interest for two years, and issuing new bills for the remainder, to be charged on the next year's supplies, so as to render the method of payment considerably easier to the public.

LXXV. The second point, on which the censurers of the ministry endeavoured to raise an outcry, was their having left ten millions of debt unfunded, rather than provide for the interest by any additional taxes; the consequence of which was, as those writers alledged, a necessary depression of all the other stocks. To this the friends of government replied with equal force and truth, "that it would be injurious to the nation to pass every account, or to give parliamentary security for every bill that was brought to the treasury, by way of public debt: that the immense demands for the late war in Germany required the severest scrutiny before they were passed, and that it was highly reasonable to postpone them till they were examined: and that the fall of the stocks was owing to the rapaciousness and avarice of certain persons who kept up their money, in hopes that the distresses of the government would oblige the ministry to give an exorbitant price for supplies."

LXXVI. But there was no part of the scheme, which
the

the opposition writers attacked with more severity, than the use which had been made of the sinking fund, and the credit which the ministry had assumed by augmenting the revenue in the article of tea. A ridiculous parade of skill in the customs and finances was displayed, and the utmost minuteness and perplexity of arithmetical details were entered into, with a view of proving, that the augmentation of the revenue had not arisen from the increased duty on tea alone, but on wines, tobacco, sugar and other articles. Calculations were also made of the probable future produce of the sinking fund; and inferences were deduced thence of the impossibility of making it for any long time subservient to the plan then pursued. Those gentlemen went still farther, and affirmed that, after the several appropriations of that fund were satisfied, there would be found a great deficiency even towards supplying the two millions which were charged on it for the ways and means of the current year, a deficiency that would fall as a heavy load on the provisions for the next. When these provisions, however, came to be settled, the fallacy of all those imposing calculations was detected. The sinking fund, so far from being deficient, afforded a surplus of above a hundred and thirty five thousand pounds; and it could be of very little consequence to the public whether the increase of the revenue was chiefly, or only in part, owing to the increased duty on one particular commodity, provided they found themselves thereby relieved from the pressure of any new burthens.

LXXVII. Nothing could more evidently demonstrate the malignant purpose of those writers than their total silence on such points as did the ministry indisputable honour. The application of the French prize money by the favor of the crown, at a time when there were, perhaps, other calls, plausible and pressing enough, to divert it another way; the beneficial contract with the Bank, by which one hundred and ten thousand pounds were brought to the service of the year, besides the transfer and delayed payment at reduced interest of a million of
of

of exchequer bills; and the saving on the non-effective men, which amounted to so large a sum; were matters of such striking merit and importance, that none but the devoted tools of a party could pass them over unnoticed.

LXXVIII. Among the ways and means of this session were some regulations of the American trade, and some duties imposed on various articles of import and export in that extensive sphere of commerce, which, though they occasioned but little debate at the time, proved very soon afterwards a source of the most violent contests, and gradually led to all the horrors and calamities of a civil war. It will be enough to insert here a bare copy of those regulations and duties, without any comments, as these will more naturally arise in describing the effects, or consequences of such unfortunate measures.

On the tenth of March the house of commons agreed to the following resolutions:

"1. That a duty of two pounds, nineteen shillings and nine pence, sterling money, per hundred weight, avoirdupois, be laid upon all foreign coffee imported from any place, except from Great Britain, into the British colonies and plantations in America.

"2. That a duty of six pence, sterling money, avoirdupois, be laid upon all foreign indigo imported into the said colonies and plantations.

"3. That a duty of seven pounds, sterling money, per tun, be laid upon all wine of the growth of the Madeiras, or of any other island or place, lawfully imported from the respective place of the growth of such wine into the said colonies and plantations.

"4. That a duty of ten shillings, sterling money, per tun, be laid upon all Portugal, Spanish, or any other wine, except French wine imported from Great Britain into the said colonies and plantations.

"5. That a duty of two shillings, sterling money, per pound weight, avoirdupois, be laid upon all wrought silks, Bengals, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, imported from Great Britain into the said colonies and plantations.

"6. That a duty of two shillings and six pence, sterling money, per piece, be laid upon all callicoës, painted, dyed, printed,

printed, or stained in Persia, China, or East India, imported from Great Britain into the said colonies and plantations.

" 7. That a duty of three shillings, sterling money, per piece, be laid upon all foreign linen cloth called cambrick, and upon all French lawns imported from Great Britain into the said colonies and plantations.

" 8. That a duty of seven shillings, sterling money, per hundred weight, avoirdupois, be laid upon all coffee shipped in any British colony or plantation in America, being the place of the growth thereof, in order to be exported or conveyed to any other place, except to Great Britain.

" 9. That a duty of one halfpenny, sterling money, per pound weight, avoirdupois, be laid upon all pimento shipped in any British colony or plantation in America, being the place of the growth thereof, in order to be exported or conveyed to any other place, except to Great Britain.

" 10. That an act, made in the 6th Geo. II. chap. 13, be continued until the thirtieth of September, 1764.

" 11. That the said act be, with amendments, made perpetual from the twenty-ninth day of September, 1764.

" 12. That from and after the said twenty-ninth day of September, 1764, in lieu of the duty granted by the said act upon molasses and syrups, a duty of three pence, sterling money, per gallon, be laid upon all molasses and syrups of the growth, product, or manufacture of any foreign American colony or plantation, imported into the British colonies and plantations in America.

" 13. That the produce of all the said duties, and also of the duties which shall, from and after the said twenty-ninth day of September, 1764, be raised by virtue of the said act, made in the sixth year of the reign of his said late majesty king George the Second, be paid into the receipt of his majesty's exchequer, and there reserved, to be from time to time disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing the British colonies and plantations in America."

The fourteenth resolution of the committee of ways and means which stated, "that towards farther defraying the said expences, it might be proper to charge certain stamp duties in the said colonies and plantations," was thrown out, or rather postponed to the next session, in order to give the colonies an opportunity of petitioning

tioning against it, should they deem it exceptionable, and of offering some equivalent for the supposed produce of such a tax.

"15. That there be not any drawback allowed of any part of the rate or duty, commonly called the old subsidy, upon any foreign goods (except wines) of the growth, production, or manufacture of Europe, or the East Indies, exported from this kingdom to the British colonies and plantations in America.

"16. That there be not any drawback allowed of any part of any rate or duty upon any white callicoes, or foreign linens, exported from this kingdom to the British colonies and plantations in America.

"17. That the duties imposed in the British colonies and plantations in America, by an act made in the twenty-fifth year of the reign of king Charles the second, intitled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade, be declared to be sterling money.

"18. That the importation of rum and spirits, of the produce or manufacture of any foreign American colony or plantation, into the British colonies and plantations in America, be prohibited."

The following five resolutions on other objects of the same commerce were agreed to on the thirteenth of March.

"1. That an additional duty of one pound two shillings, sterling money, per hundred weight, avoirdupois, be laid upon all white or clayed sugars, of the produce or manufacture of any foreign American colony, or plantation, imported into any British colony or plantation in America.

"2. That the produce of the said additional duty be paid into the receipt of his majesty's exchequer, and there reserved to be, from time to time, disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing the British colonies and plantations in America.

"3. That upon all wines, except French wines, exported as merchandise from this kingdom to the British colonies and plantations in America, a drawback be allowed of all the duties paid on the importation of such wines, except three pounds ten shillings per tun; part of the additional duty of four pounds per tun granted by an act made in the last session of parliament; and also except such part of the duties paid upon wines, import-

ed by strangers or aliens, or in foreign ships, as exceeds what would have been payable upon such wines, if the same had been imported by British subjects, and in British ships.

"4. That no allowance be made for leakage, upon the importation of any wines into this kingdom, unless such wines be imported directly from the place of their growth, or from the usual place of their first shipping, except only Madeira wines, imported from any of the British colonies or plantations in America, or from the East Indies.

"5. That any person or persons be permitted to import, in ships belonging to his majesty's subjects, whale fins, taken from whales caught by any of his majesty's subjects in the gulf or river of St. Lawrence, or in any seas on the coast of any of his majesty's colonies in America, without paying any custom, subsidy, or duty for the same, other than and except the rate or duty commonly called the old subsidy, for the term of seven years, from the twenty-fifth day of December, 1763."

LXXIX. The committee of ways and means also proposed a few resolutions, on the fifteenth of March, which were likewise agreed to by the house, for lessening the duty on the importation of beaver skins from America to one penny per skin; and for raising the duty on the exportation of those skins, and of beaver wool from Great Britain. The other regulations of the American trade, adopted in the same session by the British legislature, were a bill for granting, for a limited time, liberty to carry rice from the provinces of South Carolina and Georgia to other parts of America, on paying British duties; a bill for granting a bounty upon the importation of hemp, and rough and undressed flax, from the colonies in America; and lastly, a bill for restraining the increase of paper money in the colonies, by declaring that any such paper, which might be in future issued there, should not be considered as a legal tender in payment. It is remarkable, that all those measures, many of which were extremely delicate and hazardous, were proposed, acquiesced in, and passed into laws, without the least animadversion, as if the leaders of party, who had been so clamorous about trifles, anticipated with silent joy the fatal issue

issue of such experiments, and looked upon them as the probable means of introducing themselves into power, even through the distresses and convulsions of the whole empire.

LXXX. Among the bills prepared for the royal assent at the close of the session on the eighteenth of April, there were two, besides those already noticed, some account of which cannot be properly omitted. The first had for its object the increase of the revenue of the post-office, by correcting and restraining abuses and frauds in the practice of franking. It appeared from the reports of a committee appointed to inquire into those abuses, that the most obscure persons had carried on a sort of trade by counterfeiting the hands of the members of parliament, and selling the covers so franked in public, without the least fear of detection. As no instance had been known of any conviction at common law for this species of fraud, and as the examples of punishment attending it in either house of parliament were rare and almost forgotten, no bounds were prescribed either to the frequency, or to the notoriety of such daring forgeries. The practice, in like manner, of directing letters to members of parliament, to places where they did not actually reside, in order to convey those letters free from the duty of postage, to other persons, was become extremely frequent. But the abuse was carried to an extent still more injurious to the revenue by the clerks of the post-office, and other public offices, who, under colour of a prescriptive right or privilege, franked more letters, newspapers, and packets than all the members of the legislature. It was proved before the committee, that many of the clerks of the post-office made from eight hundred to twelve hundred pounds a year each by this privilege; and that the profits arising from it to one of them in particular were little short of seventeen hundred pounds a year. Upon the whole it was estimated, that the loss to the revenue, in consequence of franking, amounted to one hundred and seventy thousand pounds annually. It

therefore became necessary for a government, which valued itself upon oeconomy, to check those abuses, and to regulate the privilege. It was made felony and transportation for seven years to forge a frank. No letters or packets were to be exempted from postage except such as were sent to or from the king; or such as, not exceeding two ounces in weight, should be signed on the outside by a member of either house, the whole of the superscription being his own writing, or such as should be directed to him at his usual, or actual place of residence, or at either house of parliament. The allowance of sending and receiving letters and packets free of the duty of postage, heretofore enjoyed by certain persons in respect of their offices, was subjected to a variety of restrictions, so as to confine the privilege to what concerned official business only: and with regard to newspapers, and the printed votes and proceedings in parliament, they were to go free, if sent without covers, or in covers open at the sides, and signed by a member, or directed to one, or franked by any of the licensed clerks in the offices of the secretaries of state, or the post-office. This last privilege was continued to the clerks as before, because it was found to encourage an immense consumption of stamps; and by way of check on the abuse of it, the post-master's officers were at liberty to search all such packets, and if they found the same to contain any written matter, to charge the postage.

LXXXI. The other bill, above alluded to, was a temporary expedient to counteract the artificial enhancement of the prices of provisions, which had lately become so alarming as to require the interference of the legislature. Some of the most considerable butchers and ship-victuallers in and about London were ordered to attend a committee of the house of commons, who sat upon this occasion in March; and their evidence put it beyond a doubt that beef was then one halfpenny in the pound dearer than it had generally been at that time of the year, and that the price was even higher than in the heat of the

the late war.* The butchers also admitted the price of mutton to be higher than was usual in March; but they stated the increase differently from a farthing to a halfpenny per pound. In order to discover the causes of such an increase of price in a time of profound peace; and after plentiful harvests, some salesmen were examined, who alledged, first, the vast increase of population within the bills of mortality, which had rendered the demand for provisions excessive. This account not being satisfactory, they pretended that the rise was owing to the late scarcity of pork in the markets, which had necessarily increased the price of every other species of animal food; the whole demand acting upon the whole quantity of the different sorts of provisions as upon one and the same subject. They added also, that the wetness of the season, the late failure of the turnip crops, and the scarcity of fodder at a former period, operating with other natural causes, had reduced the quantity of fat cattle, by discouraging the farmers from rearing them. But none of these reasons appeared sufficient to account for the evil complained of; and the result of the inquiry was, that the scarcity was artificial, and owing to combinations, and to the defect of the laws regulating the sale of cattle in the open markets. It was proved that a few engrossers bought up large quantities of sheep and oxen on the road to the market, and thereby fixed the price for that day; while others, by a different species of monopoly, bought great numbers of cattle, and, after slaughter, put what price they pleased upon them to the retail butchers: so that provisions of this sort were in fact doubly forestalled. It was evident that the scarcity did not arise from the want of fat cattle, and that those practices were confined to the London markets, because when all kinds of meat were so very

* The price of choice pieces of the best beef was four pence and four pence farthing per pound to the consumer: the best pieces of inferior beef sold for three pence, or three pence farthing; and the coarse pieces of beef varied from seven farthings to two pence three farthings per pound.

dear in London, beef, mutton, and veal sold at a very reasonable price within thirty miles of the metropolis. Notwithstanding the great attention paid by the commons to this important affair, the only remedy for the evil, which then seemed most advisable, was a bill for enabling his majesty, with the advice of his privy council, to order the free importation of provisions from Ireland, during the recess of parliament, or, as the necessity of the time might require. This step was taken the ensuing winter; and vigorous measures were also pursued for terrifying and bringing to justice any persons concerned in those illegal combinations and monopolies.

LXXXII. But there was another matter of very serious concern, which had been earnestly recommended to the attention of the house of commons by one of its own committees in the beginning of the year 1763, and the consideration of which, it was expected, would be resumed this session, yet seemed to be totally forgotten both by the ministry and the opposition, to the great astonishment of the humane part of the public. This was the regulation of private madhouses, in which the most shocking abuses had been found to prevail. The committee, appointed to inquire into this evil, found that many of the private madhouses in the neighbourhood of London, were no other than places of correction and imprisonment for persons, whose relations were interested in secluding them from all commerce with the world. Wives were shut up at the request of their husbands; and drunkenness, or any frivolous pretence was a sufficient cause for one person to imprison another; to debar him from all access to pen, ink, and paper; and deny him to his dearest friends, if any inquiry was made at the place of confinement. In short, all were received, who were taken to those private bridewells, on security being given for the payment of a stipulated sum; and even in cases, where it was not pretended that the prisoners were lunatics, they were treated as such. Those, and other circumstances equally detestable, were fully made out before the committee, who heard them with
the

the deepest concern and indignation. They made their report to the house on the twenty-second of February, 1763 : a bill was brought in for the correction of such enormities ; and every feeling heart indulged the fond hope, that in the next session at farthest, some effectual measures would be taken, not only for preventing the like abuses for the future, but for bringing the delinquents to condign punishment for what had passed. Yet, no farther notice was taken of this business in either house ; and though the ministry certainly incurred just censure on this account, the reproach fell heaviest on the opposite party ; for it seemed highly inconsistent in a set of men, who took so much pains to get infamous characters liberated from the grasp of power, and to declare illegal the comparatively mild detention of supposed offenders against the public, by orders of persons high in dignity, and esteemed for their humanity and justice, not to use the smallest effort, or even open their mouths to procure a law for the relief of the most innocent persons in domestic life, closely confined, and cruelly treated in private mad houses, without any judicial proofs of insanity, and merely at the instigation of people who had an interest in their confinement and death.

LXXXIII. It is unnecessary to make any remarks on the speech, with which his majesty closed this session, as it contained only the usual return of thanks to both houses for their wise and public spirited exertions ; a renewal of the assurances which his majesty continued to receive of the pacific sentiments of foreign powers ; and an exhortation to employ this season of tranquillity in considering of the most effectual means for perfecting the works of peace, so happily begun. Thus ended the parliamentary campaign for this season ; and the ministry, to whose duration a very short date had been assigned by their adversaries, not only weathered the storms of the session, but seemed to gather new strength to contend with future tempests. In the moment of triumph, and of indignation also at those who had deserted them in the hour of greatest danger, they shewed their power and re-

sentment, perhaps too indiscreetly, by dismissing some persons of high military rank from the service, and, among the rest, lieutenant general Conway, an officer of distinguished merit and abilities. So harsh a step admitted, however, of some little excuse. In the debate on general warrants, the division in the commons ran so near, as before observed, that the ministry carried the question only by a majority of fourteen. Had the question been decided in favor of the opposition, the monument was to have been illuminated in the same manner as in the year 1732, when the famous excise scheme was defeated; and the greatest testimonies of joy were to have been displayed. Preparations for those purposes having been openly made, were considered as so many insults upon government; and however the zeal of the citizens or of the uninformed populace might influence them, it was thought indecent in any of the king's servants to countenance such proceedings. The general officer already mentioned was represented as being an important acquisition to the minority, and was charged with not only voting against the court in the debate on general warrants, but with speaking in the most disrespectful terms of the minister's person and capacity for business. The general and his friends very properly insisted upon his being as independent as any other gentleman in the house of commons, and that he ought to be as free in giving his vote. The ministry were far from disputing that principle; but they said, that the king ought to have an equal freedom in employing whom he pleased in the departments that were in his disposal*.

C H A P. II.

I. Proposed Inquiry into the Causes of the Renewal of Hostilities among the Savage Tribes in America. II. Steps taken by the Ministry to increase the Value of the late Acquisitions on that Continent. III. Extent of the

* In little more than a year after, the general had ample amends made him for the unpleasantness of this dismissal, by being appointed one of the secretaries of state.

Governments

Governments of Quebec, of East and West Florida. IV. Reasons for not including many large Tracts of improvable Territory in this Distribution. V. Encouragement held out to new Settlers. VI. Incitements to the War on the Part of the Indians. VII. Confederacy entered into by some of the Tribes. VIII. Their first Attacks on the Frontiers of the Middle Settlements. IX. Repulse of the British Troops near Fort Detroit. X. Astonishing Concert in all the Enterprises of the Savages. XI. Fort Pitt blockaded. XII. March of Colonel Bouquet to its Relief. XIII. Battle at Turtle Creek. XIV. Contrast between the Severities and Dangers of a Campaign in America, and of one in Europe. XV. Distressing Situation of Colonel Bouquet's brave Companions. XVI. His judicious Dispositions and Success. XVII. Convoys cut off by the Indians near Niagara. XVIII. Activity and Policy of Sir William Johnson, in reducing the Senecas to Reason. XIX. Colonel Bradstreet and Colonel Bouquet equally Successful in compelling the other revolted Tribes to sue for Peace. XX. Bad Effects of the Orders sent to the Naval Officers in the West Indies and on the Coasts of North America. XXI. Impolitic Suppression of the commercial Intercourse between the British and Spanish Plantations. XXII. The like Injury done to the Trade carried on by the American Colonies with the French Islands. XXIII. Inefficacy of some Attempts to redress or soften those Grievances. XXIV. Opportunity given the Colonists of offering a Compensation for the Stamp Duties, rejected. XXV. King's Speech at the Meeting of Parliament. XXVI. Remarks on some of the Events taken Notice of by his Majesty. XXVII. Fresh Proofs of the pacific Intentions of France and Spain. XXVIII. The British Logwood-cutters in the Bay of Honduras fully confirmed in their Privileges, after a temporary Interruption. XXIX. Ample Reparation of the Damages done to an English Merchant Ship by a Spanish Commodore. XXX. Affair of Turk's Islands. XXXI. False Alarm from Newfoundland. XXXII. Proposal made by the French Ambassador for the Discharge of the Balance

lance due on Account of the Subsistence of Prisoners during the War. XXXIII. Election of a King of Poland happily terminated without disturbing the general Repose of Europe. XXXIV. Criticism of a particular Sentence in the Speech examined. XXXV. Reviv'd Debate on the Legality of General Warrants. XXXVI. Indigestible Form of the pretended Amendment. XXXVII. Arguments on the Impropriety of coming to any Resolution upon an Affair actually depending in the ordinary Courts of Justice, and on the Incompetency of the House of Commons to declare Laws either legislatively or judicially. XXXVIII. Easy Progress of the Stamp Act through both Houses, with JUNIUS's Remarks on the selfish Motives and fatal Consequences of Mr. Pitt's and Lord Camden's Opposition. XXXIX. Defence of the Manner in which the Measure was brought forward, and of the Principles on which it was founded. XL. Mr. Grenville's Plans for the Prevention of Smuggling on the British Coasts, with an Account of the Proceedings relative to the Purchase of the Sovereignty of the Isle of Man. XLI. A Regency Bill recommended by his Majesty, in Consequence of his late Indisposition. XLII. Clause in Favor of the Princess Dowager of Wales. XLIII. Riot of the Fourneymen Silk-weavers. XLIV. Improper Steps taken by the Ministry to wipe off the Aspersions of being the Earl of Bute's nominal Substitutes. XLV. New Administration formed by the Duke of Cumberland. XLVI. Death of his Royal Highness, and of Prince Frederick William.

I. THE renewal of hostilities on the part of the savages in America was barely noticed, in the beginning of the last chapter, among the important concerns of the British ministry: but any farther details on that head were then postponed, on account of the more immediate and more interesting pressure of domestic occurrences. In order now to lead the reader to a proper idea of the events of that savage war, it will be necessary to trace out the causes, which probably gave rise to it; and to explain the measures, which were cautiously, though

though at first unsuccessfully designed to prevent any such disturbances.

II. By the fourth and seventh articles of the treaty of peace, Canada was ceded to Great Britain in its utmost extent. This stretched the northern part of her possessions on the continent of America from one ocean to the other. The cession of Louisiana to the Mississippi, and of the Spanish Florida on both seas made her American empire complete. No frontiers could be more distinctly defined, nor more perfectly secured. The only care which seemed left for Great Britain, was to render these acquisitions as beneficial in traffic, as they were extensive in territory. An immense waste of uncultivated country was evidently no great object to a mercantile nation for the present; but it was a considerable one in hope, because it contained an infinite variety of soils, climates, and situations, and thereby afforded ample materials for the exertion of wealth and skill in its improvement to all the purposes of trade. These exertions were not likely to be wanting, or to be ineffectual. Independently of national motives, the administration in England had a particular interest in promoting every plan that could increase the value of those conquests, and justify the choice which had been made of them in settling the terms of the late treaty. In order to come at an exact knowledge of every thing necessary for this purpose, it was judged expedient to divide the new acquisitions on the continent into three separate and independent governments.

III. The first and most northerly of these divisions was called the government of Quebec, the limitation of which within narrower boundaries than those formerly assigned by the French to Canada, excited some surprise and no inconsiderable clamour at home. The southern divisions were more easily adjusted, as the two provinces of East and West Florida were regularly parted by the river Apalachicola. The government of Quebec was given to the honourable James Murray, that of East Florida to James Grant, Esq. and that of West Florida,

rida; to George Johnstone, Esq. all of them officers who had eminently distinguished themselves in making those conquests, the security and improvement of which were now intrusted to their care. The coast of Labrador from the river St. John to Hudson's Straights, and all the neighbouring islands in the gulph of St. Lawrence, were very judiciously subjected to the authority and inspection of the governor of Newfoundland, their value depending wholly on the fishery, which was the strongest reason for keeping the entire extent of the adjacent coast under a single direction. The islands of St. John and Cape Breton were annexed, as their situation required, to Nova Scotia.*

IV. This distribution of the newly acquired territories was no sooner announced to the public, in a royal proclamation of the seventh of October, 1763, than a violent outcry was raised against it, and on plausible grounds, as much the largest, and, perhaps, the most improvable part of the late conquests was not included within the boundaries of any of the proposed governments. Most people were, indeed, astonished to find, that the environs of the great lakes, the fine countries on the whole course of the Ohio and Ouabache, and almost all that tract of Louisiana which lies on the hither branch of the Mississippi, were left out, and, as it were, disregarded in this boasted plan of territorial regulation. But the ministry had many reasons for such an apparent omission. A consideration of the Indians carried with it no small weight, because it might have given a sensible alarm to that people, if they had seen their whole country formally cantoned out into regular establishments. It was in this idea that the proclamation strictly forbade any purchases or settlements beyond the limits of the three before mentioned governments, or any extension of the old colonies beyond the heads of the rivers which

* The late acquisitions in the West Indies were also erected into a new government, called the government of Grenada, and comprehending not only that island and the Grenadines, but the islands of Dominica, St. Vincent and Tobago.

fall from the westward into the Atlantic ocean; reserving expressly all the territories behind as an hunting ground for the Indians. Another reason, probably, why no disposition had been made of the inland country, was, that the charters of many of the old colonies gave them no other bounds to the westward but the South Sea; and consequently comprehended almost all the conquered districts. Those charters were given when the continent was little known and little valued. To admit the validity of such grants in their fullest extent would have been attended with the most absurd consequences. But where the western boundary ought to be settled, was a matter which admitted of great dispute; and, to all appearance, could only be finally adjusted by the interpolation of parliament. Until these difficulties could be removed, however valuable the unoccupied tracts of country were deemed, it would have been imprudent in government to parcel them out, or to encourage any premature settlements there.

V. That the ministry were influenced by some such motives, and were not guilty of any blamable neglect, is evident from their earnest attention to the improvement of those parts which they could perfectly command. In order to invite soldiers and seamen, who had served in the American war to settle in the country they had conquered, lots of land were offered to them as the rewards of their services, and in proportion to the rank they held in the army or navy. Every field officer was to have five thousand acres, every captain three thousand, every subaltern two thousand, every non-commissioned officer two hundred, and every private soldier or seaman fifty. But as no encouragement unconnected with the idea of liberty could be flattering to Englishmen, a civil establishment, comprehending a popular representative, agreeable to the plan of the royal governments in the other colonies, was directed as soon as the circumstances of these countries would admit of it; and in the mean time, such regulations were provided as held out to every individual the full enjoyment and benefit

benefit of the laws of England. And, lastly, that nothing might be wanting for the security of new settlers, and for aweing as well as protecting the Indian nations, a regular military establishment also was formed there, consisting of ten thousand men, divided into twenty battalions, part of whom were to be employed in the defence of the West India islands.

VI. But though the most prudent steps were thus taken, to avoid giving offence to the Indians on the one hand, and to intimidate their ferocity on the other, they suddenly fell upon the frontiers of the most valuable settlements, and upon all the out-lying forts, with such an unanimity in the design, and such persevering fury in the attack, as had not been experienced even in the hottest times of any former war. Various causes concurred to urge them on to this very unexpected violence. When they saw the French power annihilated, they began to imagine that they ought to have made greater and earlier efforts in favor of their old friends. They had not been for a long time so jealous of them as they were of the English. The French seemed more intent on trade than settlement. Finding themselves infinitely weaker than the English, they supplied as well as they could the place of strength by policy, and paid a much more flattering and systematical attention to the Indians than the English had ever done. The latter treated the savages at all times with too much indifference, but more especially since the close of the French war. The usual presents were omitted. Contrary to the intentions of government, settlements were attempted beyond the just limits. Purchases, indeed, were made of the lands, and sometimes fair ones. But the Indians, conscious of the weakness and facility of their own character in all dealings, have often considered a purchase and an invasion as nearly the same thing. They expect, that the reason of enlightened nations will rather aid, than take advantage of their imbecility, and will not suffer them, even when they are willing, to do those things which must end in their ruin when done. They were also alarmed

at

at seeing all the places of strength in the possession of the British troops, and a chain of forts drawn round the best hunting country they had left, which was an object of the more serious concern to them, as such ground became every day more scarce, not only from the gradual extending of the British settlements, but from their own had oeconomy of this single resource of savage life. It was therefore very natural for them to look upon every garrison as the first advances of an encroaching colony; and, in the midst of all these fears, a report having been spread amongst them, that a scheme was formed for their entire extirpation, they did not hesitate a moment longer to take up the hatchet.

VII. The Delawars and Shawanese, who, as the cultivation of Pennsylvania advanced, had retired, and settled upon the Ohio, took the lead in this renewal of hostilities. They had been very zealous in the French interest, and had through practice and habit acquired some reputation in arms. Having observed, that the savages never became considerable but by an incorporation of several of their nations into one, they confederated with the other tribes whom they found scattered along the Ohio, behind the Allegany mountains, and thus formed a powerful, and well compacted body. They had even the address to engage the Senecas, one of the five nations to whom they themselves had been formerly tributaries, to espouse their quarrel, and to join in the proposed attack on the British forts and colonies. These must have been in the most imminent danger, had all the savages on the continent been unanimous on this occasion; but the most temperate and considerable part of the five nations were kept out of the war by the indefatigable pains of Sir William Johnson; and the Cherokees had still such an impression of their late chastisement by colonel Grant,* that they were afraid to provoke a repetition of the like severities.

VIII. When the Indians had resolved to take the field, their scheme was to make a general and sudden

* See Chap. II. Sect. X. of the first Volume.

attack upon the British back settlers, while they were getting in their harvest; and after having murdered all they could meet with, to destroy the crops, that no subsistence might remain for those who escaped. The precipitancy of some of their warriors defeated in part the more methodical and considerate mischief of the rest; and by giving an early alarm, afforded some of the planters an opportunity of escaping with their effects. Great numbers were, nevertheless, cut off, the crops ruined, and their houses burned, with all that detail of savage cruelty, with which an Indian war is always carried on, and which it is disgusting to relate. The settlements of all the frontier country for twenty miles inwards were deserted; and five hundred poor families, who had the good fortune to escape the general massacre, fled to the woods of Virginia, where they could find neither shelter nor subsistence. Of an hundred and twenty itinerant merchants, who, on the security of the general peace, were trading in the Indian country, only two or three got clear with their lives. The loss of their property and effects, which were valued at some hundred thousand pounds, was severely felt by some of the chief towns in America. The savages also fell in with and cut off the greater part of a convoy of one hundred of the settlers and others who were escorting a large quantity of provisions and goods to Detroit. But what was of greater military importance, they made themselves masters of all the small posts between Pittsburgh and Lake Erie, giving out to the garrison of every post, that they had destroyed that which was adjoining, and exceedingly exaggerating their own numbers. Three posts of considerable strength still remained to check their incursions, Detroit, Niagara, and fort Pitt; and the Indians, well knowing, that but a few links of their chain were broken, whilst these fortresses held out, reiterated against them all their attempts of force and policy.

IX. General Amherst, the commander in chief, sensible of the danger to which all the British conquests were exposed by the sudden breaking out of this war,

sent

sent off detachments as early as possible to strengthen the chief posts. Detroit was the first, where one of the detachments arrived on the twenty-ninth of July, and where a plan was immediately formed by captain Dalyel, who had the command of these troops, for surprising the savages in their camp, which was about three miles from the fort. The captain set out at the head of two hundred and forty-five men, between two and three o'clock in the morning, with all the precautions possible. He was also attended by two armed boats, to co-operate with the land forces, whose march lay along the bank of the lake, or to cover, if necessary, their retreat. They were not far from the Indian quarters, when they received a brisk fire in their front. Instantly after it began upon their rear. They were attacked on all sides, and their commander fell early in the action. The darkness of the night hindered their seeing the enemy; and the whole party was on the point of falling into irremediable confusion. The Indians had been apprised of their design, and had, with their usual subtlety, posted themselves in such a manner behind hedges, and in huts on each side of the road, as gave them a considerable advantage over the exposed assailants. In this emergency, captain Grant, on whom the command of the British troops devolved, saw that nothing was left but a retreat. He also saw that even this could be effected only by first making a spirited attack on the enemy's posts, which was done with great order and resolution. The Indians were driven from the road, and at length repulsed every where. Captain Grant then made good his retreat to the boats, which carried off the wounded; and the rest of the detachment regained the fort, though with great difficulty, and considerable loss, as very near a third of their number fell in the action.

X. The ill-success of this attempt checked all farther offensive measures on the part of the garrison: they very properly confined themselves to a vigilant defence, which alone could baffle the artifices of the enemy. As the latter were unprovided with cannon, and ignorant

also of the art of besieging or reducing fortified places, they could not improve the advantage they had gained; but were obliged to relinquish all designs upon the fort as wholly desperate. Their failure here did not, however, disconcert their plan of operations in another quarter, where they acted with much greater vigour and perseverance. It is indeed, astonishing, that those savages, though of so many different nations, and separated by such immense tracts of impracticable country, preserved an uncommon degree of concert and connection in all their enterprises. At the very time when one party of them was thus foiled in their stratagems near Detroit, another more numerous and formidable body invested fort Pitt, at the distance of more than two hundred miles from the former place.

XI. It is remarkable that the building of fort Pitt, which was originally called fort du Quesne by the French, had given the immediate occasion to the late war: and was now likely to become the main object of another very dreadful contest. Its works had never been well finished, and they had suffered considerably by an inundation from the rivers which cover it. Captain Ecuyer, who commanded there, though weak in the number of his troops, without engines, and ill supplied with every necessary for sustaining a siege, took all the precautions which art and judgment could suggest for the repair of the place, and for repulsing the enemy. His men seconded his efforts with resolution. There was no trifling with the danger, when they perceived the determined purposes of barbarians, whom it was so difficult to resist, and so terrible to submit to. These savages, being destitute of all means of making regular approaches, took post under the banks of the rivers, close to the fort, and burying themselves in holes for days together, poured in an incessant storm of musquetry and fire arrows. They hoped to reduce the garrison by keeping it perpetually harrassed; and if they failed in this method, they trusted to make themselves masters of the place by famine.

XII. In

XII. In the mean time general Amherst, fully persuaded, from the importance and situation of fort Pitt, that it would become one of the principal objects of savage fury, ordered colonel Bouquet to march to its relief, with a large quantity of provisions and stores under a strong escort. The Indians, who had their scouts all over the country, were no sooner informed of the march of the English troops, than they abandoned the blockade of the fort, in order to seize the first favorable opportunity of cutting off the intended reinforcement. Colonel Bouquet having advanced as far as Ligonier, on the extreme verge of the British settlements, without receiving any intelligence of the position or motions of the enemy, very prudently resolved to disencumber himself there of the waggons and of a considerable part of the ammunition and provisions; while he proceeded with the troops, and about three hundred and forty horses loaded with flour and such other supplies as were absolutely necessary. Being thus disburdened, the English army entered a rough and mountainous country. Before them lay a dangerous defile, called Turtle Creek, several miles in length, commanded the whole way by high and craggy hills. It was therefore deemed most advisable not to attempt passing this defile but by night, in order if possible, to elude the vigilance of their alert enemies.

XIII. While the colonel was making the necessary arrangements, and just as his men were preparing to refresh themselves, after a fatiguing march of seventeen miles, the Indians made a sudden attack on his advanced guard, which being speedily and firmly supported, the enemy was beat off, and even pursued to a considerable distance. But the flight of these barbarians must often be regarded as one of their military manœuvres, rather than a dereliction of the field. The moment the pursuit ceased, they returned to the charge with redoubled vigour; and being supported by parties which lay in ambush on the high and woody grounds flanking the army, they galled it with an oblique fire. The whole line was obliged to advance, in order to dislodge them

from those posts. This movement succeeded at first, but did not produce any decisive advantage: for as soon as the savages were driven from one eminence, they immediately occupied another; till by constant reinforcements, they were able to surround the whole detachment, and to attack the convoy in the rear, which forced the main body to fall back for its protection. The action now became general; and though the savages poured down on every side in considerable numbers, and fought with unusual regularity and spirit, the superior skill and steady courage of the British troops at length prevailed. After an engagement which was continued without any intermission from one o'clock in the afternoon till night, the savages were repulsed and driven from all their posts with fixed bayonets. Above sixty of the English were killed or wounded; and as the ground, on which they stood, was not ill adapted to an encampment, the convoy and the wounded were placed in the center; and the troops, forming a circle, encompassed the whole. In this manner, and with little repose, they passed an anxious night, obliged to the strictest vigilance by a daring enemy, who, notwithstanding this first check, seemed to wait only for the morning to complete their destruction.

XIV. Those who have only experienced the severities and dangers of a campaign in Europe, can scarcely form an idea of what is to be done and endured in an American war. To act in a country cultivated and inhabited, where roads are made, magazines are established, and hospitals provided; where there are strong towns to afford refuge in case of misfortune; or, at the worst, a generous enemy to yield to, from whom no consolation, but the honour of victory, can be wanting; this may be considered as the exercise of an active and adventurous mind, rather than a rigid contest for mutual destruction; and as a dispute between rivals for glory, rather than a struggle between sanguinary enemies. But in an American campaign, every object is terrible; the face of the country, the climate, the enemy. There is

no refreshment for the healthy, no relief for the sick or wounded. A vast inhospitable desert, unsafe and treacherous, extends on every side. Victories are not decisive, but defeats are ruinous; and simple death is the least misfortune that can befall a soldier. This forms a service truly critical, in which all the firmness of the body and mind is put to the severest trial; and all the exertions of courage, perseverance, and address are called forth by the unceasing perils of every moment. Some remarks of this kind seemed necessary, to place in a proper light the dreadful situation and unparalleled efforts of the brave detachment under colonel Bouquet.

XV. At the first dawn of light, in the morning of the sixth of August, the savages began to declare themselves, all round the camp, at the distance of about five hundred yards; and emitted the most horrid shouts and yells, in order to intimidate by an ostentation of their numbers and their ferocity. After this alarming preparative, they rushed on with the utmost fury, and, under the favor of an incessant fire, made several bold efforts to penetrate into the camp. They were repulsed in every attempt, but by no means discouraged from new ones. The British troops, continually victorious, were continually in danger. They were besides very much fatigued with a long march, and the long action of the preceding day; and they were distressed to the last degree by a total want of water, far more intolerable than the enemy's fire. Their situation was extremely perplexing: tied to their convoy, they could not lose sight of it for a moment, without exposing not only that interesting object, but their wounded men to fall a prey to merciless barbarians; and to move, or to pursue their march was impracticable, as many of their horses were lost, and many of the drivers, stupified by their fears, hid themselves in the bushes, and were incapable of hearing or obeying orders. In this manner besieged rather than engaged; attacked without interruption, and without decision; able neither to advance, nor to retreat; they saw before them the melancholy prospect
of

of crumbling away by degrees, and of perishing without revenge, without honour, in the midst of those dreadful defects. The fate of Braddock and of his army came rushing on their minds; but these gallant troops had a very different commander*.

XVI. Colonel Bouquet, seeing that all depended on bringing the savages to a close engagement, and that when pressed, they always flew off in order to rally with the greater effect, formed a plan for giving new strength to their audacity by making dispositions for an apparent retreat. As his troops still retained the circular order in which they had been posted the preceding night, he directed two of the companies, who were in the most advanced situations, to fall within the circle; the other forces on the right and left opening their files, and then closing up the vacant space, as if they meant to cover the retreat; while another company of light infantry, and one of grenadiers were ordered to support the two first in the real attack which was intended. The savages gave entirely into the snare: imagining that those movements were sure indications of an attempt to escape, they rushed from the woods which had hitherto covered them, and hurrying on headlong with the utmost intrepidity, galled the English with their heavy fire. But at the very instant, when they thought the victory certain, and the camp taken, the two first companies made a sudden turn, and sallying out from a part of the hill which was not observed, fell furiously upon their right flank. The barbarians made for a little time a desperate stand, returning the first fire with great resolution; but they fled at the second volley. As they turned their backs, the other two companies presented themselves in their front, and totally routed them with great slaughter. The other bodies of the savages, who had been kept in awe

* It is scarcely necessary to remind the reader of the unfortunate expedition, in the year 1755, against the very same fort under general Braddock, to whose ignorance, rashness, obstinacy and pride about seven hundred private men and several brave officers fell a sacrifice.

during

during the engagement by the rest of the British troops, were terrified by the fate of their companions, and abandoned the adjacent woods. The victorious army, notwithstanding this advantage, had suffered so much, and had lost so many horses, that, before they could move, they were obliged to destroy the greatest part of their flour and provisions, and consequently to give up one of the principal objects of their expedition. About two miles farther on, at a place called Bushy Run, the savages made another attack upon them, but less vigorously than before; after which they suffered little molestation during the rest of their march, but arrived safe at Fort Pitt, in four days from the action. The loss sustained by the English in these engagements was fifty killed, and about sixty wounded: that of the savages was not much greater, owing to their manner of fighting; but their tribes being very thin, they thought it an almost irreparable havoc, particularly as some of their bravest leaders had fallen upon the occasion.

XVII. Though the two forts of Detroit and Pitt were thus secured by timely reinforcements, the Indians in other parts of the country were not discouraged from farther attempts. Niagara was a place equally worthy of their regard; and they endeavoured to distress it by every method, which the meanness of their skill in attacking fortified places would permit. They chiefly directed their attention to the convoys, hoping to starve what they could not otherwise reduce. The vast distance of the forts from each other, and of all of them from the settled countries, favored their design. Near the carrying place of Niagara, a body of five hundred of them surrounded an escort consisting of two companies of English soldiers, on the fourteenth of September, and killed seventy two of the privates, besides officers and serjeants. On the lake Erie, with a crowd of canoes, they attacked a schooner, which was conveying provisions to fort Detroit; but here they were not so successful. Though in this savage navy they had employed near four hundred men, and had but a single vessel to engage,

engage, they were repulsed, after a hot engagement, with great loss. The schooner was to them as a fortification on the water; and they knew not how to make their approaches, or onsets, with the same advantage as upon the convoys by land.

XVIII. While the war was thus raging in the remote parts of the colony, Sir William Johnson applied himself with indefatigable zeal to secure the attachment of such of the Indians as had not yet commenced hostilities. For this purpose he opened conferences at the German Flats, in the beginning of September, with the Six Nations and some others, who appeared desirous of continuing in quiet dependance upon England. They could not, however, prevent the Senecas and their allies from continuing their depredations and massacres. Vigorous measures were therefore adopted to reduce these refractory savages to reason; and it was not till they severely felt the scourge of powerful vengeance, that the Senecas were induced to solicit peace. In the treaty concluded between them and Sir William Johnson, all occasions of future dispute were removed; their boundaries were precisely ascertained; their past transgressions were forgiven; and in consequence of their solemn engagements never more to make war upon the English, or to suffer any of their people to commit any acts of violence on the persons or properties of any of his Britannic majesty's subjects, they were not only admitted once more into the covenant chain of friendship, but were to be indulged with a free, fair, and open trade.

1764- XIX. This treaty took place in April 1764; and one of the most considerable succours being thereby withdrawn from the other hostile tribes, it was not likely that they would hold out much longer. Colonel Bradstreet was ordered to advance with a large body of men from Niagara to the countries of those savages; and colonel Bouquet set out with another body for the same purpose from Canada, intending to carry the war through their most remote habitations, if they did not submit in time,

time. Such appearances of determined resolution produced the proper effects: for when colonel Bradstreet arrived at Presque Isle in August, deputies from the several nations waited upon him, and engaged by solemn treaty to deliver up all the prisoners in their hands, and to renounce all claim to the posts and forts possessed in their country by the English, who should be at liberty to erect as many more as might be thought necessary for the security of their trade, with as much land to each fort, for raising provisions, as a cannon shot can fly over. Some other conditions were added, tending to inspire the barbarians with a sense of humanity and justice, and to give them some idea of the English government. Colonel Bouquet was equally successful, though the savages, against whom he marched, were by far the most perfidious and intractable. He penetrated into the very heart of their country about the latter end of October: and when they found that he was neither to be checked by any shew of resistance, nor amused by delusive promises, they agreed to treat in good earnest, faithfully giving up all their prisoners, even the children born of white women,* admitting detachments of his army into their towns, giving some of their chiefs as hostages, and appointing deputies finally to settle the terms of peace with Sir William Johnson. These wise and resolute measures restored security to the interior colonists, or back settlers in North America.

XX. But while the British government was thus taking the most effectual steps to secure the peaceable submission of the American savages, a spirit of much more dangerous resistance began to appear among its civilized subjects on the same continent. This was first excited by some attempts made to break off all kind

* They were obliged to tie or fetter many of those, who having been accustomed to look upon the Indians as the only connection they had, considered their new state in the light of a captivity, and made it necessary to employ force, to tear them, as it were, from their savage acquaintance.

of commercial intercourse between the British colonies and the French and Spanish settlements. The trade was certainly illicit; but as many parts of it were highly beneficial to those who carried it on, and ultimately to the mother countries in Europe, every restraint ought to have been imposed with the utmost delicacy and caution. The orders sent out by the English ministry, after the conclusion of the peace, to the naval commanders in the West Indies, were too rigorous, or, at least, too liable to abuse. Under the idea of putting a total stop to smuggling, ships of war were converted into guarda-costas, and captains of the navy were obliged to take the usual custom house oaths, and to act in the capacity of revenue officers. By these means, the nature of their own exalted character was debased, and that irregular vivacity of theirs, and contempt of common forms, which had been so lately and with such advantage exerted against the enemy, were now inconsiderately played off upon the subject. Unacquainted with all those cases in which ships are, or are not liable to seizure, to penalty, or detention, they hurt the interests of trade, without promoting in any respect the intentions of the treasury.

XXI. The first branch of commerce which felt the weight of the blow was that which had been for a long time carried on between the British and Spanish plantations, to the great advantage of both, but especially the former, the chief materials of it being, on the side of the British colonies, British manufactures, or such of their own produce as enabled them to purchase those manufactures; and, on the part of the Spaniards, gold and silver in bullion and in coin, cochineal, and medicinal drugs, besides live stock and mules, with which the West India islands used to be supplied by the same channel, and which were still more necessary than the precious metals. Though this trade did not clash with the spirit of any of the prohibitory acts, yet it was found to vary from the letter of them sufficiently to afford the revenue officers a plea for doing

doing that from duty, which they had strong temptations to do from motives of interest. Accordingly they seized, indiscriminately, all British as well as foreign ships engaged in that traffic, which the custom house officers, stationed on shore, had always permitted to pass unnoticed.

XXII. The same misfortune attended the trade carried on by the American colonies with the French West India islands, and which was no less lucrative than the former. It depended on a mutual exchange of articles which would have otherwise remained useless incumbrances on the hands of the possessors, so that it united all the advantages which liberal minds include in the idea of a well regulated commerce. It had been interrupted during the war, but was soon likely to flourish again, had not the clamour of some selfish West Indians prevailed upon government to issue orders for its suppression, as not being strictly conformable to law. Sound policy would rather have connived at such a resource, which not only prevented the North American colonies from being drained of their current cash by the calls of the mother country upon them, but afforded supplies of specie for the purposes of internal circulation. This was of the greater importance, as their domestic trade necessarily increased from day to day, in proportion to the remarkable increase of mankind in that part of the world, where the cheapness of land determines the greater part of the inhabitants to the exercise of the rural arts, so favorable to population.

XXIII. In consequence of these prohibitions, which were for some time enforced by the naval officers with the utmost severity, not only all the contraband, but the fair and lawful trade of the Americans was threatened with irrecoverable ruin. It is not therefore, to be wondered at, that the inhabitants of many of the colonies, being no longer able to make the usual remittances to the mother country for the usual supplies, began to turn their thoughts to retrenchment and industry; and renouncing all finery, came to a resolution not to

buy any cloaths, or other articles which they could possibly do without, that were not of their own manufacturing. Though the English ministry, on the first intimation of those grievances, immediately softened the rigour of their former orders, and prepared those regulations of the American commerce, mentioned in the preceding chapter, which were passed into laws before the close of the session in April; yet all these expedients were not attended with the desired effect. The Americans still complained, that the mode of restriction was only changed, and that the shew of indulgence was rather an aggravation of their distresses. They did not deny that their intercourse with the other European colonies was now rendered in some respects legal; but they said, that the best part of it was loaded with duties so far above its strength to bear, as became in reality prohibitions to all intents and purposes. They were equally dissatisfied with being obliged to pay those duties, in specie, into the English exchequer, though it was expressly stated in the act, that the money arising from them was to be reserved for defraying the charges of protecting the colonies on which it was levied. They laid but little stress on the laws made at the same time for the encouragement and increase of their commercial intercourse with the mother country; because, as they alledged, the benefits to be derived from that farther intercourse were, at best, very remote, if not uncertain, whereas the effects of the laws for restraining their foreign trade and cramping domestic industry by the want of specie and the destruction of paper currency, were certain and instantaneous.

XXIV. But the object, against which the colonists raised the loudest clamour, was the postponed intention of charging them with stamp duties. That measure had, as before intimated, been delayed by the minister, till the sense of their several assemblies could be taken, how far they were willing to make a compensation in any other form, for the revenue that such a tax might produce. This was so uncommon an instance of conde-

icension,

scension, that the agents for the colonies residing in London thought it their duty to wait upon him, and to return him thanks in the name of their constituents. He took that opportunity to inform them, that it was then in the power of the colonies, by agreeing to that tax, to establish a precedent for their being consulted for the future, before any tax was imposed upon them by the British parliament. The candor and generosity of this proceeding did not make a suitable impression on the minds of the Americans, prejudiced and irritated, as they were, by the late commercial restrictions. So far from complying, they resolved to remonstrate; and some of their assemblies sent over petitions, to be presented to the king, lords, and commons, positively and directly questioning the authority and jurisdiction of parliament over their properties. Even those provinces, that were most moderate in their remonstrances, did not instruct their agents either to agree to the tax in question, or to offer any compensation to be exempted from it. Two of the agents, indeed, answered for the colonies they served, bearing their proportion of the stamp-duty by methods of their own; but they did not venture, when questioned, to say, that they were authorized to agree for any particular sum. All imaginable methods were taken, though to little purpose, to convince the colonists of their mistake, before the matter came under a parliamentary consideration.

1765, XXV. After a much longer relief from public duty than the parliament had for some years experienced, they met on the tenth of January, when his majesty opened the session with the following speech:

“My Lords and Gentlemen,

“The situation of affairs both at home and abroad, has enabled me to allow you that recess, which has been usual in times of public tranquillity.

“I have now the satisfaction to inform you, that I have agreed with my good brother the king of Denmark, to cement the union which has long subsisted between the two crowns, by the marriage of the prince royal of

Denmark with my sister the princess Caroline Matilda, which is to be solemnized as soon as their respective ages will permit.

"I observe with pleasure that the events which have happened in the course of the last year, give us reason to hope for the duration of that peace, which has been so happily established, and which it is my resolution strictly to maintain. The courts of France and Spain have given me fresh assurances of their good dispositions. The future quiet of the empire has been confirmed by the unanimous choice of a successor to the imperial dignity; and the peaceable election of the king of Poland has prevented those fatal consequences, which, upon similar occasions, have so frequently been destructive to the repose of Europe. I am happy, therefore, to meet my parliament at a time, when no foreign disturbances interrupt their consultations for the internal good order and prosperity of my kingdoms.

"Gentlemen of the house of commons,

"I shall ask of you, for the current service of the year, no other supplies than such as are necessary for those establishments, which have already met with your approbation; and I will order the proper estimates for this purpose to be laid before you.

"I must, however, earnestly recommend to you the continuance of that attention which you have hitherto shewn for the improvement of the public revenue, and the diminution of the national debt. For these desirable and necessary ends, I am persuaded that you will pursue every proper measure, which the state of my dominions, and the circumstances of the times may require.

"My lords and gentlemen,

"The experience which I have had of your former conduct, makes me rely on your wisdom and firmness, in promoting that obedience to the laws, and respect to the legislative authority of this kingdom, which is essentially necessary for the whole; and in establishing such regulations, as may best connect and strengthen every part

part of my dominions, for their mutual benefit and support.

“The affection which I bear to my people excites my earnest wishes, that every session of parliament may be distinguished by some plans for the public advantage, and for their relief from those difficulties, which an expensive war has brought upon them. My concurrence and encouragement shall never be wanting where their welfare is concerned; and I trust that for the attainment of that great object, you will proceed with temper, unanimity, and dispatch.”

XXVI. Besides the usual assurances of gratitude, zeal, affection, and loyalty, in which the lords and commons were unanimous on this occasion, they were also very naturally led to express their satisfaction at the events mentioned in the speech, as tending to secure and confirm the general tranquillity of Europe. The remarks, to which the matrimonial alliance with Denmark and the election of a king of the Romans might give rise in the present place, have been already anticipated: * but the other events, taken notice of by his majesty, afford matter for some new, and perhaps interesting observations.

XXVII. The first related to fresh proofs of the pacific intentions of France and Spain. A declaration of this kind from the throne was the more seasonable, as the party in opposition, availing themselves of some incidents in the course of the last year, had been very active in spreading reports, that a war with the house of Bourbon was become inevitable. How frivolous the grounds were for such alarming assertions will best appear from the following statement of facts.

XXVIII. By accounts received from the West Indies in the month of June, it appeared that, in consequence of an order from Don Remires, the Spanish governor of Yucatan, the English logwood cutters had been not only disturbed in their business, contrary to the last treaty, but ordered to remove suddenly from their usual

* See Sect. III and V. of the preceding chapter.

places of settlement, on pretence of their having nothing to prove their being subjects to his Britannic majesty; and granting they were, they had roved too freely about the country, gathering the fruits of it, as if it belonged to them. The sufferers joined in a petition to the governor of Jamaica, under whose protection they were, representing the distresses to which they were reduced by such captious and arbitrary proceedings. Governor Lyttleton having satisfied himself of the truth of the complaint, sent off dispatches to England, in consequence of which the earl of Rochford, then ambassador at the court of Madrid, was ordered to make serious remonstrances to that court on the subject. The reply of the Spanish ministry was, that they had not received any advice from the governor of Jucatan relative to this affair; but that the Catholic king had certainly given him positive orders to abide by and observe the seventeenth article of the definitive treaty; and that his majesty would not approve of the conduct of any of his governors, ministers, or subjects, who acted in contravention to it. But this answer not being deemed sufficiently explicit or satisfactory by some of the English ministry, the ambassador was directed to renew the remonstrances; upon which orders were dispatched by his Catholic majesty to Remires, censuring his behaviour towards the logwood cutters; expressing a desire of giving the king of England the greatest proofs of friendship, and of preserving peace with the British nation; and commanding Remires to re-establish the logwood cutters in the several places from which he had obliged them to retire, and to let them know that they might return to their occupation, without being disquieted under any pretence whatsoever.

XXIX. In another instance, which occurred about the same time, the Spanish government shewed an equal readiness to remove any just cause of complaint on the part of Great Britain. The commodore of some Spanish xebegues, that were cruising against the Algerines in the Mediterranean, attacked an English merchant ship,

ship, commanded by one captain Sybrand, who immediately hoisted English colours, but having no guns on board, cried out for mercy. This, however, had no effect on the Spaniards, who continued their fire, till the English ship was rendered almost a wreck; many of the crew were wounded; one of the passengers lost his arm; and the ship was carried into Carthagena. On the discovery of the mistake, into which the very unpardonable precipitancy of the Spanish commodore had hurried him, the damages done to the English ship were immediately repaired out of the arsenal at Carthagena; and in consequence of the strong representations made on that head by lord Rochford to the Catholic king, his majesty defrayed the expence of curing the wounded English; indemnified their captain for the interruption of his voyage; and gave the passenger a gratification for the unfortunate loss of his arm.

XXX. Before the intentions of the Spanish cabinet to repair those unauthorised acts of injustice were made known in England, some proceedings of the French in the West Indies afforded the gentlemen of the opposition fresh matter for increasing the apprehensions of a war. At no great distance from the coast of Hispaniola are several small islands, the most considerable, or rather the least insignificant of which is called Turk's island, and gives its name to the rest. Though it is an uncomfortable barren spot, with very little fresh water, without any vegetables except low shrubs, or any animals except lizards, and land-crabs; yet the coast abounds with fish, turtle, and sea-fowls; and the soil itself produces salt. As it was impossible for any settlement to subsist upon the island, the property of it remained undetermined: but the Bermudians and other British subjects used to resort thither annually in March for the benefit of gathering salt in the dry season. Their manner of living was the most wretched that can well be conceived; they dwelt in huts covered with leaves: a kettle and a knife were their only utensils: salt pork, and now and then a turtle, or a lizard was their food; and their dress consisted

consisted of a straw hat, a check shirt, and a pair of coarse linen trowsers. Their chief customers were the people of New England, who purchased the salt for their fisheries, at the rate of from four pence to six pence a bushel, and paid a small part in money, and the rest in bad rum, and worse provisions. Here was nothing to invite invasion, or rapine. Yet, on the first of June, the crews of a French seventy four gun ship, and of two or three small vessels in company, landed on the island; plundered and burnt all the cabbins that were erected there; and carried off the inhabitants, about two hundred in number, with nine English vessels which they found off the coast, to cape François, where they released them next day, with orders not to return to Turk's island. Governor Littleton, on being informed of those unaccountable hostilities, lost no time in communicating his intelligence to the ministry, nor they in transmitting it to the earl of Hertford, the English ambassador at the court of France. While factious writers were working upon the fears and the credulity of the public, by representing this wanton outrage as the first step of a scheme formed by the French ministry, and which was to be executed by the count d'Estaigne, for expelling the English from all the islands and possessions in the West Indies, the Gazette of the eleventh of September informed the nation, that the court of France, in answer to the earl of Hertford's demand of immediate satisfaction and reparation for those acts of violence, had disavowed the whole proceedings; had disclaimed all intention, or desire of acquiring or conquering the Turk's islands; and had given orders to the count d'Estaigne, governor of St. Domingo, to cause the said islands to be immediately abandoned on the part of the French, to restore every thing therein to the condition in which it was on the first of June last, and to make reparation of the damages which any of his Britannic majesty's subjects should be found to have sustained, in consequence of the said proceedings, according to an estimation to be forthwith settled by the said governor with the governor of Jamaica,

XXXI. Even

XXXI. Even this did not completely silence the alarmists. As a sloop of war, which had come from Newfoundland in the summer, brought advice that the French marine on that station appeared formidable, and that some fears were entertained of their intention to fortify St. Peter's, Mr. Palliser, the English commodore, not being strong enough to hinder them, the party gave out that a rupture with France was now at least unavoidable, unless the ministry were disposed to sacrifice both Newfoundland and Canada to their ancient enemies. The credit of these assertions proved also of very short duration. On the second of October, letters were received at the admiralty from commodore Palliser, informing their lordships, that having dispatched a sloop with a letter to the French governor at St. Peter's, to inquire into the truth of the reports which prevailed of the French having mounted cannon, and erected works on that island, contrary to treaty, he, in answer, received assurances from the said governor, "that there was only one four-pounder mounted, without a plat-form, and with no other intention than to answer signals to their fishermen in foggy weather; that there were no buildings or works erected, contrary to the treaty; and that the guard consisted of no more than forty seven men, and had never exceeded fifty." It farther appeared by the commodore's letters, that there had not been, nor were at that time, at the islands of St. Peter and Miquelon, more than one French ship of War of fifty guns, one frigate of twenty six guns, and another of less force, with two large ships en flute, the destination of one of the said ships en flute being for Cayenne, and the other for St. Domingo: that none of these ships had entered, and the commanding officer assured the commodore, that none of them would enter into any of the harbours on the coasts of Newfoundland. The commodore added, "that the concurrent fishery in those parts of the said coasts, whereon the French were by treaties permitted to fish, had been carried on in perfect tranquillity."

XXXII. To

XXXII. To these proofs of the sincere intentions of France to preserve the peace, and to fulfil her engagements, another very strong and unequivocal one was lately added, in the proposals submitted to his majesty by the French ambassador for the discharge of the balance due for the subsistence of French prisoners in the British dominions during the last war. His excellency was authorised by his court to offer six hundred and seventy thousand pounds in acquittal of the whole demand, one hundred and thirty thousand pounds to be paid immediately, and the remainder at the rate of forty thousand pounds a quarter. These proposals, being a few days after laid before parliament, were approved of; and even those, who had the most deep-rooted prejudices against the French, were obliged to confess, that the disbursement of money from one rival state to another did not look very like a preliminary step to a war between them.

XXXIII. Another affair, on the peaceable termination of which his majesty seemed to lay no small stress in his speech, was the election of a king of Poland. The filling of that vacant throne had often been destructive to the repose of Europe; and upon the late occasion, while all the surrounding powers seemed ready to take a decisive part in it, so many strong domestic factions subsisted, with so many opportunities to act, that dangerous convulsions might well have been apprehended both within and without that kingdom. On the death of the unfortunate Augustus III. in October 1763, his eldest son and successor to his hereditary dominions in Saxony, declared himself a candidate for his elective crown. The empress queen could not well avoid countenancing his pretensions, as the only means she had of making him amends for what his family had suffered in her cause. France and Spain, as connected with the house of Saxony, were likely to throw their interest into the same scale. But their favorite candidate did not live long enough to make a trial of their support. He was carried off by the small pox in less than three months.

months after his father, leaving a son too young to engage in such a contest. Russia, Prussia, and Turkey were determined to raise a native of Poland to the throne, and with this view an army of Russians entered the country, and approached Warsaw, while the Prussians appeared on one frontier, and a body of Turks assembled on the other. The person, whom they had solemnly recommended to the Poles, was count Poniatowski, a man of illustrious family, and still more distinguished by his virtues and accomplishments. But, though the death of the young elector of Saxony removed one competitor out of the way; and the empress queen, as well as France and Spain saw the folly of attempting to set up another; yet neither Poniatowski's personal influence, the strength of his connections, nor the concurrence of three such potentates in his favor, could discourage two of his own countrymen prince Radzivil, and count Branitzki, the crown general, from opposing him with great violence, and on very plausible and not unpopular grounds. They said, they did not oppose the election of a native; but they contended, that this election ought to be free; and they could not bear, that, under the name of preserving the liberty of Poland, a foreign army should openly, and almost avowedly dispose of its crown. But their efforts were unavailing: prince Radzivil, who had raised an army of his own dependents, and who had also been joined by the Saxon party, was defeated by the Russian troops on the third of July 1764; and count Branitzki, at the head of a considerable part of the army of the republic, which faithfully adhered to him, met with no better success in another action with a large body of the same troops, against whose superior numbers and discipline the irregular bravery of the Poles was unable to maintain any long struggle. The declared opposers of Poniatowski being now obliged to fly the country, the election was soon concluded, and he ascended the throne, with the most auspicious appearances, on the seventh of September,

ber, by the name and titles of Stanislaus Augustus, king of Poland, and grand duke of Lithuania*.

XXXIV. In a summary, therefore, of the foreign occurrences, which seemed to promise a continuance of the peace so happily established, the issue of the election in Poland certainly deserved particular notice. But there was one paragraph in the speech from the throne, which has since been criticised with greater ingenuity than sound argument. It was where his majesty expressed his reliance on the firmness and wisdom of parliament in promoting the proper respect and obedience due to the laws, and to the *legislative authority of Great Britain*. The bringing of this into question, it is alleged, "had been much better avoided, since such a debate could have no issue, but what must prove highly prejudicial to the mother country, especially after an undisputed exercise of such authority. Decided

* Among the letters of congratulation which he received from the courts by whom his cause had been espoused, there was one written by the king of Prussia, which, from the matter and the occasion, as well as the character of the writer, appears highly worthy of being inserted at full length :

"Your majesty must reflect that, as you enjoy a crown by election, and not by descent, the world will be more observant of your majesty's actions than of any other potentate in Europe ; and it is but reasonable. The latter being the mere effect of consanguinity, no more is looked for (though much more is to be wished) from him, than what men are endowed with in common : but from a man exalted by the voice of his equals from a subject to a king, from a man voluntarily elected to reign over those by whom he was chosen, every thing is expected that can possibly deserve and adorn a crown. Gratitude to his people is the first great duty of such a monarch, for to them alone (under providence) he is indebted that he is one. A king, who is so by birth, if he acts derogatory to his station, is a satire only on himself ; but an elected one, who behaves inconsistent with his dignity, reflects dishonor also on his subjects. Your majesty, I am sure, will pardon this warmth. It is the effusion of the sincerest regard. The amiable part of the picture is not so much a lesson of what you ought to be, as a prophesy of what your majesty will be."

in the affirmative, it must have tended to alienate the affections of the colonies; in the negative, to increase their presumption; and left undecided, to breed in them a complication of both those evils." But the truth is, that the sovereign authority of the British parliament had been not merely questioned, but denied in the most positive terms by the colonies; and that, after they had sent over remonstrances asserting that the legislature had no right whatever to tax them, it would have betrayed the greatest weakness in the ministry to shrink from the establishment of that right, or to leave a matter of such importance for one moment in doubt. The danger, if any, was likely to encrease by forbearance; and as the taxation was said to be indispensable, the sooner the experiment was made the better.

XXXV. Before the ministry were fully prepared for the discussion of this subject, they were attacked on another point, where they had been very hard pushed by their opponents in the last session. The original question concerning the legality of general warrants, for apprehending and seizing the authors, printers, and publishers of seditious libels, together with their papers, was revived without any qualification, as to the former practice of secretaries of state, or the supposed acquiescence of the court of king's bench. But, besides the two parties that were most violent in this controversy, one of which seemed determined to support the ministry at any rate, and the other, at any rate, to pull them down, there existed a third, if it may be called a party, who, wisely considering, that the ordinary courts of justice, if they had ever been remiss in affairs of this nature, were now so much the contrary as by no means to require any resolution of a house of commons to quicken them, got the original motion so amended in the preceding session, as to occasion debates that ended in the dismissal of it; and now, improving upon the same plan, had it altered to a so much more indigestible form, as rendered it in some sort necessary to put the previous question, whether it should at all be debated; and, when

that question came to be put, had weight enough to make it pass in the negative. The previous question, in which the amendment, or rather alteration was included, stood as follows :

XXXVI. " That, in the particular case of libels, it is proper and necessary to fix, *by a vote of the house only*, what ought to be deemed the law, in respect to general warrants; and, for that purpose, at a time when the determination of the legality of such warrants, in the instance of a most seditious and TREASONABLE libel, is actually depending before the courts of law, for the house to declare that a general warrant, for apprehending the authors, printers, or publishers of a libel, together with their papers, is not warranted by law, and is an high violation of the liberty of the subject."

XXXVII. The debate was long and warm, because it was kept up by party obstinacy, and animated by party spirit; but it was very uninteresting. None of the ministerial speakers attempted to defend general warrants on the principle of absolute legality, but on that of expediency, or rather of state-exigency, as justified by constant practice. Their arguments on the impropriety of coming to any resolution upon an affair actually depending in the ordinary courts of justice, and on the incompetency of the house to declare law either legislatively, or judicially, were much more unanswerable. The house of commons, in fact, had no right to determine what was law in a legislative capacity, because it was only a part, and not the whole of the legislature; and still less in a judicial capacity, because it was neither the whole nor a part of any court of judicature. No abuse of general warrants was so dangerous an illegality, as an attempt to destroy the bounds, which the wisdom of the constitution had assigned to the distinct powers that compose it. Such an irregular proceeding, on the part of the commons, could be productive of nothing but confusion and injustice. It would deprive the inferior magistrate of a certain rule for his conduct; for whilst he looked for that rule only in acts of parliament

ment and in the common law, there might, for ought he knew, be another in the journals of the house of commons. An action of his, however irreprehensible if brought before his ordinary judges, might be condemned by that body; and though he might, in such a case, conceive doubts of the authority of the house, he could entertain none of its powers. A general timidity and unsteadiness must ensue, which would produce the most fatal effects upon the peace and good order of society. Nor would the confusion be less in the supreme courts of law. The constitution had taught them to believe that the judicial power rested in them; and that, in the exercise of it, they were to be guided only by the whole legislature. But when they found, that the house of commons took upon itself to participate, if not to supersede their power, and to alter their rule, with what degree of calmness of mind, and true judicial resolution could they execute their high and important office? Were it at any time allowable in the house formally to declare its opinion on a point of law, it was now at least premature. Why refuse to wait the determination of the courts? If their decisions did not satisfy general expectation, it would then be time enough for parliament to interpose. Ought the question be prejudged, and the parties, taking the due course which the law allowed them, to have their cause evoked to the house of commons, and condemned there by an arbitrary resolution? It was impossible to elude the force of this reasoning; but even after the illegality of general warrants had been solemnly and repeatedly decided by the ordinary judges, the gentlemen of the opposition continued to renew these debates almost every session, though it was evident that they could only aim at obtaining a censure of the conduct of the ministry, without giving any additional security to the liberty of the subject by the frivolous resolutions of a house of commons*.

XXXVIII. But

* In the former debate on this subject, Sir Fletcher Norton, at that time attorney general, said, "He should regard a reso-

XXXVIII. But the attention of parliament was soon called to a subject of much greater importance, the propriety of laying nearly the same stamp duties upon the British colonies in America as were payable in England. No less than fifty five resolutions of the committee of ways and means, relative to that branch of the revenue, were agreed to by the house on the seventh of February; and were afterwards formed into a bill, which met with fewer checks or delays in its progress through both houses than the most trifling measure which had been hitherto proposed by government. Petitions, indeed, as before intimated, had been sent over by several of the provincial assemblies, directly questioning the jurisdiction of the British parliament: but they were not suffered to be read in the house of commons; nor did any member at that time stand forward to defend such pretensions. The gentlemen of the opposition were reproached with sneaking from the debate in the first stages of the business, as if they anticipated in silence the probable overthrow of the ministry from so dangerous an experiment. Their clamour afterwards broke out with great violence, when the act passed; when the mischief, according to their ideas, was done; and when they might hope to accomplish their own object, by inflaming the resistance of the Americans. Even the author of letters under the signature of Junius was forced to acknowledge this fact; and his testimony ought to have the greater weight, as being extorted, it may be said, from the lips of an unwilling evidence. "When," says he, "Mr. Grenville was placed at the head of the treasury, he felt the impossibility of Great Britain's supporting such an establishment as her former lution of the members of the house of commons no more than the oaths of so many drunken porters in Covent Garden." The gross indelicacy of such language was very unbecoming, but the sentiment was founded in right reason. The resolutions of a house of commons, pretending to declare what is, or is not law, are certainly of no more weight than the opinions of any society of private gentlemen.

Successes

successes had made indispensable, and at the same time of giving any sensible relief to foreign trade, and to the weight of the public debt. He thought it equitable that those parts of the empire which had benefited most by the expences of the war, should contribute something to the expences of the peace; and he had no doubt of the constitutional right vested in parliament to raise the contribution. But unfortunately for this country, Mr. Grenville was at any rate to be distressed, because he was minister; and Mr. Pitt and lord Camden were to be the patrons of America, because they were in opposition. Their declaration gave spirit and argument to the colonies; and while perhaps they meant no more than the ruin of a minister, they in effect divided one half of the empire from the other."

XXXIX. It was impossible to speak of Mr. Pitt's and lord Camden's opposition with greater tenderness; but it is necessary to enlarge a little more on Mr. Grenville's conduct. Whatever objections might have been very forcibly urged against the policy or expediency of imposing the stamp duties on the Americans, all at once, and at a time when they were very much irritated by the late restrictions of their trade; it cannot be denied that his manner of bringing forward the measure was as temperate and candid, as the principles, on which the right of taxation was founded, were indisputable. The first and great principle of all government, and of all society is, that support is due in return for protection;—that every subject should contribute to the common defence, in which his own is included. It was necessary, and it was just to recur to this principle at the close of the war. It was found necessary to maintain upwards of ten thousand men for the defence of the colonies: an expence of between three and four hundred thousand pounds annually was, on that account, to be incurred. It was just that the colonies, which had profited so much by the war; whose interests, commerce, and security had been the first objects of the peace; and of whose ability to bear at least some proportion of that new expence there was

no reason to doubt, should contribute, not to support or to defend Great Britain, but about a third part of the expence necessary for their own defence and protection. Upon this general and acknowledged principle, and upon this application of it, which was just in itself, and which the situation of Great Britain rendered necessary, the stamp act was planned. The propriety of charging such duties in the colonies and plantations was first thrown into the form of a resolution; and though no farther proceedings upon the measure at that time took place, yet the merits of the question were opened at large. Those who afterwards so loudly asserted the privileges and exemptions of America, were then publicly called upon to deny, if they thought it fitting, the right of the legislature to impose any tax, either internal or external, upon that country; and not a single person, as before observed, ventured to controvert that right. A year's delay, however, was given, that any information might be received from America, with regard to the expediency of the particular tax proposed, not to permit the right of imposing it to be disputed. This distinction was clearly stated to the house of commons, and afterwards explained to the agents of the provinces. But several of these provinces, little grateful for such indulgence, either directly treated the resolutions of the British legislature with the most indecent disrespect, or instructed their agents to present petitions, asserting the right of freedom from taxes imposed by Great Britain. Such petitions could not be heard, but were rejected without a division, no one person having been then found in either house, who would declare it to be his opinion, that the colonies were not, in this instance, subject to the mother country. It does not therefore appear that any part of Mr. Grenville's conduct in this business could be justly censured as uncandid or precipitate. The matter was not suddenly brought before parliament, and carried through both houses with the high hand of a minister. A year's previous notice had been given of the intended measure; and the opposition had full time

to prepare all their arguments on the question of right, or on that of expediency. The Americans had as little reason to complain of the minister's behaviour towards them in this particular. After their abuse of a whole year's delay, and when their remonstrances, positively denying the jurisdiction of Great Britain, could not be received, it was proposed on the part of administration, in order to mitigate matters, that the agents should join in a petition to the house, for their being heard by counsel in behalf of their respective colonies against the tax. But the agents did not think proper to avail themselves of this second instance of condescension: they imagined, perhaps, that the petitioning for a suspension of the bill, as a favor, might be deemed an acknowledgement, that their principals had no right to oppose the execution of it when passed into a law. The bill, of course, having gone through the usual forms, received the royal assent by commission on the twenty second of March; and the minister was not without hopes, notwithstanding the symptoms of sullenness, disaffection, and ingratitude which had appeared in the colonies, that they would acquiesce in this act, particularly as the money arising from it was to be reserved for defraying the charge of their own protection, and as bounties were granted to encourage the importation of all kinds of timber from them, which would at least compensate in most parts of North America the operation of the stamp duty.

XL. Mr. Grenville's plans for the increase of the revenue at home, and for the prevention of smuggling on the British coasts, were attended with much greater facility and success. The number of cutters and other vessels, which had been fitted out for the suppression of this pernicious practice, were of the utmost service to the state, not only from the vast number of seizures they made, but as being so many provisions for naval officers on half pay, and keeping up a body of seamen for the use of government. But they were not sufficient for the extinction of the evil. The Isle of Man, which was not
subject

subject to the custom house laws, as not only the property but the sovereignty of it belonged to the duke of Athol, lay so conveniently for the purpose of smuggling, that it defeated the utmost vigilance of government. So far back as the seventh and eighth years of the reign of George I. acts of parliament had been made for preventing such illegal and destructive practices; but without effect. A treaty was then entered into by government for purchasing the property of the island, or such a right over it as might deprive the smugglers of the haunts and conveniencies they had for carrying on their frauds. This expedient likewise proved ineffectual: it was easy to ascertain the real value of the island; but the price of relinquished sovereignty was not so susceptible of calculation. Some obstacles of a private nature being afterwards removed, the treaty was renewed with greater probability of success. But, in the mean while, the lords commissioners of the treasury took the matter into their most serious consideration, and represented to the king and council, that the endeavours they had used for improving his majesty's customs, and preventing the many frauds committed, especially in the out-ports of the kingdom, were greatly obstructed by the state of the isle of Man, whence a pernicious and illicit trade was carried on to the neighbouring coasts of Great Britain and Ireland, in violation of the laws, and to the great detriment and diminution of the public revenue. In consequence of this representation, his majesty, by the advice of his privy council, published an order signifying his intentions, that the laws should be strictly put in execution against smuggling, particularly on the neighbouring coasts of the isle of Man; and for this purpose, the lords of the admiralty were to station a number of ships and cutters, under the command of discreet officers, in the harbours and on the coasts of that island: the like vigilance was to be exerted by the government of Ireland: and it was also notified by the British ministers at foreign courts, that his majesty being determined to suppress the illicit trade carried on in the

the

the isle of Man, would for the future pay no attention to the complaints of the merchants of any nation whatever, whose effects, sent to the isle of Man to evade the customs, should be seized and confiscated. In order to complete this seemingly small, yet very important business, Mr. Grenville presented to the house of commons, "a bill for more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the isle of Man." It was obvious that no effectual remedy could be applied, but by vesting the sovereignty of the island in the crown of Great Britain. Before the second reading of the bill, the duke and duchess of Athol presented a petition for liberty to be heard by counsel against it. The object was to obtain a proper compensation or equivalent for the surrender of their hereditary rights and title. An abstract of the clear revenue of the island for the last ten years, and the proposals of the duke and duchess in their correspondence with the commissioners of the treasury on the subject, were also laid before the house; and the result of all was, that on the sixth of March, two resolutions were agreed to, and afterwards passed into a law, for vesting in the crown all rights, jurisdictions, and interests, in and over the said island and its dependencies, excepting what related to the landed property; and for allowing the proprietors seventy thousand pounds as a full compensation for those rights. The liberality of government went still farther, and in addition to the former sum, granted a pension of two thousand pounds a year to the late duke, and to the duchess his wife, during their lives, by way of douceur for the relinquishment of titular royalty*.

XLI. Before the bills, founded on the above pro-

* The bill to vest the isle of Man in the crown received the royal assent by commission, on the tenth of May; and in five days after, his majesty in person gave his assent to the other bill for preventing the illicit trade then carried on to and from that island.

ceedings

ceedings and resolutions of the commons, could go through all the necessary stages, another matter of great national concern engaged the attention of the public at large, as well as of parliament. Towards the spring of the year, his majesty was attacked with an illness, which excited the greater alarm, as nothing could be gathered from the newspapers, but that the state of his health was precarious. Anxious, however, as the people might be for the life of their sovereign from principles of gratitude and interest, he appears to have been equally so for their safety and welfare from motives of princely duty and parental affection, joined to a becoming regard for his own children and family. The first day that his health would permit him to appear abroad, which was on the twenty fourth of April, he repaired to parliament, where, after giving his assent to the bills that were ready, he made a speech to both houses, in which he told them, that the tender concern he felt for his faithful subjects made him anxious to provide for every possible event, which might affect their happiness, and security: that his late indisposition, though not attended with danger, had led him to consider the situation in which his kingdoms and his family might be left, if it should please God to put a period to his life whilst his successor was of tender years: that the high importance of this subject to the public safety, good order, and tranquillity; the paternal affection which he bore to his children and to all his people; and his earnest desire that every precaution should be taken, which might tend to preserve the constitution of Great Britain undisturbed, and the dignity and lustre of its crown unimpaired, had determined him to lay this weighty business before his parliament; and as his health, by the blessing of God, was now restored, he took the earliest opportunity of meeting them, and of recommending to their most serious deliberation the making such provision as would be necessary, in case any of his children should succeed to his throne before they should respectively attain the age of eighteen years. To this end his majesty

majesty proposed to their consideration, whether, under the present circumstances, it would not be expedient to vest in him the power of appointing, from time to time, by instrument in writing, under his sign manual, either the queen, or any other person of his royal family usually residing in Great Britain, to be the guardian of the person of such successor, and the regent of these kingdoms, until such successor should attain the age of eighteen years, subject to the like restrictions and regulations as were specified in the act made on occasion of his father's death; the regent so appointed to be assisted by a council, composed of the several persons, who, by reason of their dignities and offices, were constituted members of the council established by that act, together with those whom they might think proper to leave to his nomination.

XLII. This affecting and gracious speech having been answered, as soon as forms would admit, by a joint address from both houses, well adapted to express those sentiments which it deserved, and those emotions which the occasion of it had so justly excited, the lords ordered a bill to be brought in, conformable to his majesty's recommendation; and when passed their house, sent it to the commons, who, having been early apprised that the lords were beforehand with them in taking up the affair, deferred all consideration of the matter, till they should hear from their lordships. But when the bill came down to them for their concurrence, it gave rise to very long debates, the clauses of it being so worded as to exclude the princess dowager of Wales from any share in the guardianship or regency, though, next to the queen, it was most natural for his majesty to wish his own mother invested with such trusts. An amendment was therefore moved, and carried by a majority of a hundred and sixty seven against thirty seven, for inserting the name of the princess dowager of Wales, next after that of the queen, as one of the persons whom his majesty might appoint to the guardianship of his successors under age, and to the regency of his realms.

The

The bill, so amended, was returned to the house of lords; and, that amendment being approved by their lordships, received the royal assent on the fifteenth of May.

XLIII. Whilst this affair was under the consideration of the legislature, the journeymen silkweavers of London, re-inforced by those of all the other trades immediately depending upon that branch, conceiving themselves greatly injured by the too free use of French and other foreign silks, assembled by beat of drum, with their wives and children, to the amount of many thousands, in Spital-fields, and Moor-fields, in order to petition for redress by a total prohibition of those articles. They had before applied to his majesty, who with the greatest affability and condescension assured them the matter should be properly submitted to parliament; and at his instance a bill was forwarding with all possible dispatch to lay several additional duties on the importation of wrought silks and velvets, and to encourage the silk manufactures of the kingdom; yet this did not pacify the insurgents. After having collected all their numbers at the above places, and made choice of leaders to conduct them, they proceeded in separate bodies, and by different routs, with flags designed as emblems of their grievances, to St. James's and Westminster-hall; and not only surrounded the palace and both houses of parliament, but, in some measure, obstructed the communication between them. They even stopt several of the members in their chairs and coaches; and though it was only to beseech them in the humblest terms to consider their distresses, such unusual modes of application could not fail of creating the most serious apprehensions for the public tranquility. They beset the duke of Bedford's house in Bloomsbury Square, where they committed some acts of outrage, because he was said to have expressed his sentiments concerning them with too much harshness; and they broke the windows of a few shops suspected of selling French silks; but a mild, yet steady exertion of the civil power, assisted by
the

the military, reduced them to order, and prevented any farther mischief. Every step, which rational pity could suggest, was also taken by the legislature and by the public. Besides the acts for increasing the duties on foreign silks and velvets, another was passed for prohibiting the importation of silk stockings, gloves, and mittens. A seasonable subscription was likewise set on foot for their present relief; and the principal silk-mercers concurred in an agreement to recal all the orders they had given for foreign manufactures.

XLIV. These commotions among the journeymen silk-weavers were no sooner allayed, than symptoms of another kind of ferment began to appear at court. Since the earl of Bute's retirement from public business, the agents of faction had been indefatigable in their endeavours to make the multitude believe, that no important measure was determined upon by government without his private advice; and that his successors in office were but nominal substitutes, or rather mere puppets exhibited on the stage, while he stood behind the curtain managing the wires that regulated all their motions. The great popular speakers in both houses of parliament took care to countenance, and as far as they were able, to strengthen those reports by frequent insinuations of a secret influence. Such reproaches, however groundless and absurd, could not be very agreeable to any of the ministers; but they were particularly stinging to the duke of Bedford, a man almost as proud, as irritable, and as jealous of his independency as Mr. Pitt himself. From too violent a desire to wipe off the aspersions, and to afford the most unquestionable proofs of disregard for the earl of Bute, his grace contrived to have that nobleman's brother turned out of a very honourable and lucrative employment*, enjoyed by him in his own country, and in the discharge of which he had not given the least room for complaint. It was impossible this step

* The office of keeper of the privy seal of Scotland, from which the hon. James Stewart Mackenzie was very ungraciously removed, to make room for lord Frederic Campbell.

should not be considered by the king as an affront put upon himself. But the duke and his colleagues went still farther; and dismissed lord Holland and the earl of Northumberland, for no other reason but because they were supposed to be the earl of Bute's friends*. About the time these changes took place, parliament was prorogued with the usual acknowledgments from the throne.

XLV. But the ministry did not long enjoy those gratifications of their pride, rather than of their public spirit. Offers were made to the principal members of the opposition, and, though declined by Mr. Pitt and lord Temple, were accepted by the duke of Newcastle, the marquis of Rockingham, and their friends. General Conway, who at the close of the last session had been deprived of all his employments, and the duke of Grafton were made secretaries of state. Lord Weymouth's late appointment to the lord-lieutenancy of Ireland was superseded by that of the earl of Hertford, general Con-

* Lord Holland had held the office of paymaster since the year 1757, when a coalition of parties took place between Mr. Pitt and the duke of Newcastle. That lucrative post was given to the hon. Charles Townshend. The earl of Northumberland had been just two years lord lieutenant of Ireland, when he was recalled, and lord Weymouth was fixed upon to succeed him. No viceroy of that kingdom had ever been more highly complimented by the parliament than the earl. "To us," said they in their address to the king, on the peace, "who, by our situation, must be deprived of your majesty's immediate influence, it is of the utmost consequence that your majesty's royal power should be delegated to persons sensible of the importance of that high trust, and by their capacity, probity, and moderation, fitted for the execution of it. And we cannot omit this occasion of assuring your majesty, that the rights and dignity of the crown can never be more faithfully maintained nor more honourably supported, nor the administration of your majesty's government carried on, upon principles more agreeable to the constitution, nor in a manner more entirely acceptable and satisfactory to the people than by the earl of Northumberland." Vol. i. page 308.

way's brother. The president's chair, lately filled by the duke of Bedford, was given to the earl of Winchelsea; and the places, which Mr. Grenville had united in his own person, were now divided, the marquis of Rockingham becoming first lord of the treasury, and Mr. Dowdeswell chancellor of the exchequer. Most of the other great offices of state were also filled with new men, except that lord Egmont was continued at the head of the admiralty, and the duke of Newcastle chose to be lord privy seal, a place of ease well suited to his years, and yet of honour and confidence, the things of which his grace had ever appeared most ambitious. It was upon the same occasion that the very popular chief justice of the Common Pleas obtained a peerage.

XLVI. This arrangement, or alteration of the ministry was entirely the work of the duke of Cumberland, who continued for some time to assist them with his advice, but did not live long enough to see the consequences of the most important of their deliberations. On the evening of the thirty first of October, as his royal highness was preparing to assist at a council on affairs of state which was to be held at his own house in upper Grosvenor-street, he was seized with a disorder, of which he had some symptoms the night before, and in a fit of shivering, sunk senseless, almost instantaneously, in the arms of the earl of Albermarle. On being opened, there was found, in the right ventricle of the brain, a coagulation of extravasated blood, about the size of a pigeon's egg, which was the cause of his death. The membrane of the lobes of the brain was ossified. In less than two months after, the royal family sustained another loss in the death of prince Frederick William, his majesty's youngest brother. This event, following the former at so short an interval, thickened the glooms of melancholy round the court, and damped the joy which had been lately felt there, as well as throughout the kingdom, in consequence of the queen's happy delivery of a third son, prince William Henry, since created duke of Clarence.

I. *Gloominess of the western hemisphere contrasted with the brighter Prospect in the East.* II. *Review of Mir Cassim's artful and spirited Endeavours to shake off the India Company's yoke.* III. *Treaty concluded between him and Governor Vansittart.* IV. *Mir Jassier proclaimed by the enraged Factory at Calcutta.* V. *First blow, struck by the English at Patna, soon followed by their Expulsion and total Defeat.* VI. *Major Adams's March, and successful Engagements with the Indians, previous to the taking of Murrshudabad.* VII. *Battle on the Banks of the Nuncas Nullas.* VIII. *Great Slaughter of the Enemy at Auda Nulla; and Mongbeer reduced.* IX. *Massacre of the English Prisoners at Patna not long unrevenge'd.* X. *The entire Conquest of Bengal completed in less than four months.* XI. *Victory obtained by Major Munro at Buxard over the combined Forces of Shab Zada, and Sujah Doula.* XII. *Ineffectual Attacks on Chanda Geer; after which the English encamp in the neighbourhood of Banerres.* XIII. *Surrender of Chanda Geer and of Eleabad to Sir Robert Fletcher.* XIV. *Defeat of the Marattas at Calpi, by General Carnac.* XV. *Sujah Doula's final Resolution.* XVI. *Appointment and Departure of a select Committee for Bengal.* XVII. *Mir Jassier succeeded by Najem Doula, to whom Terms are prescribed, before he is made Subah.* XVIII. *Inefficacy of his Remonstrances against some galling Conditions.* XIX. *Dispute between the Negotiators and the select Committee on the Subject of Presents.* XX. *Other Causes of Animosity and Complaints.* XXI. *Treaty concluded by Lord Clive with the Nabob of Oude.* XXII. *This Treaty extolled very highly by one Party, and censured with great Severity by another.* XXIII. *Lord Clive's Military Regulations.* XXIV. *Violent Proceedings against the Stamp Act in North America.* XXV. *Critical Situation of the new Ministry, with some Remarks on the middle Course which they thought safest to pursue.* XXVI. *King's Speech to both Houses; their Addresses; and the Debate on the Motion for American Papers.* XXVII.

Substance

Substance of Mr. Pitt's Declamation against the Right of Taxing the Colonies. XXVIII. Mr. Grenville's Reply. XXIX. Petitions against the Stamp Act. XXX. Difference of Opinion in other Respects between those who contended for its Repeal. XXXI. Lord Camden's Speech on the Question of Right. XXXII. Chief points insisted upon by other Speakers in Support of the same Doctrine. XXXIII. All those eloquent Harangues answered with great force of Reason and Knowledge of the Constitution. XXXIV. Proofs of Parliamentary Right deduced from English History. XXXV. The instance cited of the Conduct of other States ancient and modern by no means applicable to the Principles and Practice of Great Britain with regard to her Colonies. XXXVI. Futility of Mr. Pitt's Distinction between external and internal Taxes. XXXVII. The idea of a virtual Representation defended. XXXVIII. Collective Force of the Arguments in Favor of the Right of Taxation, which was confirmed without a Division in either House. XXXIX. Memorable Protest against the Repeal of the Stamp Act, signed by thirty three Lords, at the second Reading of the Bill for that purpose. XL. The same Objection enforced, and some new ones added in another Protest, signed by twenty eight Lords, at the third Reading of the Bill. XLI. Popularity of other Measures adopted by the Marquis of Rockingham and his Colleagues. XLII. Causes of a sudden Change in the Ministry. XLIII. A Carte Blanche granted to Mr. Pitt. XLIV. His Conference with Lord Temple, in which his Character, Principles, and Ruling Passion appear without any Disguise. XLV. The short lived Triumph of his Pride followed by long and stinging Mortifications. XLVI. Mr. Burke's admirable Picture of the Administration then formed by the Earl of Chatham.

I. DURING the painful suspense which the people of England must have felt with regard to the effects of the stamp-act in America, and while the most enlightened patriots saw with concern some heavy clouds collecting over the western hemisphere, a brighter prof-

pect presented itself in the east, where the affairs of the India company were said to go on in a brilliant career of success. Alarm from that quarter also had been frequently and very justly excited in the course of the last three or four years; but it seemed now to subside in perfect security. The transactions there, though of no small moment, have been hitherto passed over, in order to keep them distinct, and to exhibit them in regular and unbroken succession.

II. In some former remarks on the occurrences of the year 1761*, it was observed that Mir Cossim, the subah of Bengal, who had been enabled by the assistance of the English to check Sha Zaddah's progress, was influenced by private motives to treat the conquered prince with extraordinary respect. Mir Cossim, though indebted to the English for the acquisition of the subahship in the first instance†, and for the secure possession of it afterwards, conceived the design of freeing himself from what he thought the chains of a ruinous and dishonourable dependence. Instead, therefore, of imposing hard terms on the Mogul prince, he strove to secure his friendship, of which he foresaw the value as soon as he should be prepared to avow his intentions. But these he artfully concealed for some time, and even continued to avail himself of the power of the English, whilst he found it serviceable to him. By their means he cleared his government of invaders, and strengthened his frontiers: he reduced the rajahs, or independent Indian chiefs, who had rebelled during the feeble administration of his predecessor; and by compelling them to pay the usual tribute, repaired his exhausted finances, and thus secured the discipline and fidelity of his troops. Peace and order being restored to his province, his next step

* See Vol. I. Chap. II. Sect. VIII.

† Mir Jaffier, whom Lord Clive had raised to that tottering dignity in 1757, was compelled in about three years after to resign the government to his son-in-law Mir Cossim, who had entered into a secret treaty for that purpose with the council of Calcutta.

was

was to remove his court from Murshudabad, the vicinity of which to Calcutta gave the factory an opportunity of watching his conduct too narrowly, and of crushing all his efforts on the first suspicion. He moved two hundred miles higher up the Ganges, and fixed his residence at Mongheer, which he fortified as strongly and expeditiously as he could. Here he began to form his army on a new model. He drew together all the Persians, Tartars, Armenians, and other soldiers of fortune, whose military spirit he wished to infuse into his Indian forces, and whose example might, he hoped, teach them to overcome their natural timidity. Sensible of the superiority of European discipline, he neglected nothing to acquire it. Every wandering Frenchman, every seapoy who had been dismissed from the English service, he carefully picked up, and distributed amongst his troops, in order to train them to the most perfect exercise. He changed the fashion of the Indian muskets from matchlocks to firelocks; and because his cannon was nearly as defective as his small arms, he procured from the English a pattern of one, on which he formed an excellent train of artillery. Attentive to his army, he was not forgetful of his court, the treachery and factious dissensions of which had hitherto been more fatal to the Indian princes than the feebleness of their arms. He therefore, cut off without remorse, or threw into prison, every considerable person in his dominions, who had shewn any attachment to the English. Thus strengthened by every measure, which a subtle and enterprising man, unchecked by conscience, could take, he began to exert that authority, which he thought so firmly and so justly established. His revenue, though on a much better footing than that of his predecessor, still fell very short of its ancient limits. The free trade, which his own and his father-in-law's necessities had extorted in favor of the company's servants, threatened to annihilate his customs, as it diverted all the domestic and foreign commerce of Bengal into a channel from which he could derive no benefit. To remedy this evil, he subjected all
the

the English private traders to the regular and equal payment of duties throughout his dominions; and issued an order, that their disputes, if they happened in his territories, should be decided by his magistrates.

III. The English factory took the alarm. Mr. Vansittart, the governor, went in the latter end of the year 1762, to Mongheer, in order to expostulate with the subah, who answered his remonstrances with a command of temper equal to the force of his reasoning. "If," said he, "the servants of the company were permitted, as they now desire, to trade custom-free in all parts, and in all commodities, they must of course draw all trade into their own hands; and my customs would be of so little value, that it would be more for my interest to lay trade entirely open, and to collect no duties upon any kind of merchandise. This would invite numbers of merchants into the country, and increase my revenues by encouraging the cultivation and manufacture of goods for sale, at the same time that it would cut off the principal source of our quarrels, an object, which I have more than any other at heart." The truth of these remarks could not be controverted; but Mir Cossim's conduct was still a direct violation of the treaty, or bargain he made with the company's servants on his obtaining the subahship, by which they were entitled to the privileges in question. The matter, however, was evidently in his power, unless a war prevented him. The governor, though long accustomed to dictate on such occasions, submitted to certain regulations, which, if not unreasonable, were very displeasing. These were instantly put in execution; and the Indian magistrates began to exercise their power with a proper spirit, as they said, but, as the English traders complained, with partiality, and rigour.

IV. As soon as the effect of the negociation was made known at Calcutta, it threw the factory into a flame. They were filled with indignation and astonishment, at finding, that an Asiatic prince, created by themselves, had dared to assert his independency. They began to repent

repent of their late change, and to wish that they had left the timid and indolent Mir Jaffier to slumber quietly on his throne. The council disavowed the proceedings of the governor; sent orders to all the factories, forbidding them to submit to any of the proposed restrictions; and solicited Cossim to enter into a new agreement. But now grown confident of his strength, he charged them with inconstancy and insolence, and refused to negotiate with their deputies. The English factory, yielding in nothing to his spirit, prepared to draw their army into the field, and once more proclaimed Mir Jaffier subah of Bengal.

V. In this war, the first blow was struck by the English. At Patna, a great commercial city, three hundred miles up the Ganges, they had a fortified factory, and some European as well as Indian soldiers. These suddenly attacked the town on the twenty fifth of June 1763, and made themselves masters of it without much difficulty, notwithstanding its fortifications had been newly repaired, and that it was defended by a strong garrison. The Indian governor and his troops fled at the first assault into the country; but being reinforced, he returned in a few hours to Patna, and surprised the English, who had neglected every precaution, and were wildly dispersed on every side, wasting and plundering that opulent and feeble city. Many of them were cut to pieces, the rest took refuge in the fort. But even this they soon abandoned, so spiritless did they become in consequence of the unexpected turn of their affairs. Crossing the Ganges, they marched for three days without interruption; but were at length overtaken by a superior force. In the first engagement fortune proved favorable; in the second they were entirely routed; and shared that fate, which might naturally be expected from so rash and precipitate a resolution. At a distance from all succour, and in the heart of the enemy's country, they had no safety to hope for, but from the defence of their factory, where they might have maintained themselves
for

for a long time, the Indians being very inexpert in the art of reducing fortified places.

VI. Though the deputies, sent to Mongheer, had the nabob's pass, and ought to have been by the law of nations sacred, they were attacked in their return, and miserably slaughtered with their attendants. This act of barbarity hastened the march of the army under major Adams, who, at first, had only one royal regiment, a few of the company's forces, two troops of European cavalry, ten companies's of seapoys, and twelve pieces of cannon. With these he proved victorious in several brisk skirmishes, and cleared the country as far as the Cossimbuzar, a branch of the Gauges, which it was necessary to pass, before any attempt could be made on Murthudabad, the capital of the province. The enemy did not oppose his passage; but had drawn out their army, consisting of ten thousand men, in an advantageous post at a place called Ballasara, between the river and the city. By a judicious movement, he obliged them to begin the action, which they did with great spirit, and bore the cannonade very firmly; but, at the distance of fifty yards, they received such a storm of musketry, as made them retreat in the utmost confusion and precipitancy. Adams, with that rapidity which is always useful in war, but was here indispensable, as the periodical rains began to fall, marched forward; but found the enemy again in his way, defended by an intrenchment fifteen feet high, and by a numerous artillery. It would have been an unjustifiable boldness to think of forcing so strong a post: he had recourse to a stratagem, which succeeded. He made a feint of attacking them where their principal strength lay, while the body of his army marched in the night to the opposite quarter of their line, and mastered it at day-break with little difficulty. Astonished at this stroke, the Indians fled, and abandoned the camp, and the city which it covered, to the conqueror.

VII. So considerable an advantage, which the English gained on the twenty third of July 1763, did not slacken, but increased their diligence and exertions. They penetrated

trated into the inmost recesses of the province, and crossing the numerous and wide branches of the Ganges, sought out the subah through marshes and forests. He was not remiss in his own defence. Knowing the inferiority of his troops, and the slight attachment of Indian subjects to their prince, he never ventured the final decision of the war on a single battle, nor hazarded his person in any engagement. The faithfulness of his grandees, who might by treason erect their own fortune on his ruin, deterred him from the latter; and the former could never be deemed advisable by a man, whom the experience of others had taught that an immense multitude of undisciplined troops only confounds veterans, and contributes to the greatness of a defeat. In short, his whole conduct was formed upon wise principles; but his troops had not time to be completed in their new exercise. The English were also in the career of victory, and nothing could stand before them. Yet they found a sensible difference in the opposition they now met with, though it was not able fully to obstruct their progress. Ten days after their late victory, they found twenty thousand horse and eight thousand foot, excellently posted on the banks of the Nuncas Nullas, well defended by a formidable train of artillery, divided into regular brigades, armed and clothed like Europeans, and in every respect displaying the same order and spirit as themselves. What was never before observed in India, the enemy did not discharge a cannon, till the English began the attack. A constant fire was kept up on both sides for the space of four hours, during which time the Indian cavalry charged the European regulars, at the distance of twenty yards, with uncommon resolution. But in spite of all the efforts of their improved discipline and courage, they were at length compelled to fly, with the loss of all their artillery.

VIII. After this decisive proof of the superiority of the English forces, the Indians never attempted a regular engagement in the open field during the remainder of the campaign. But they shewed neither want of spirit nor skill in defending their towns and fortresses. At

Auda

Auda Nulla particularly, they held out with wonderful art and perseverance, baffling every operation against them, from the twenty first of August till the fourth of September, when being overpowered by one of major Adams's well-concerted stratagems, they suffered an incredible slaughter. The carrying of this strong hold laid open the whole country to the victorious arms of the English as far as the gates of Mongheer, which surrendered to them after only nine days open trenches.

IX. Nothing now remained to complete the reduction of the whole province, but the taken of Patna. This was the last hope of Mir Cossim, who had accordingly taken every possible precaution to strengthen and secure it. He placed in the city a garrison of ten thousand men, and hovered at some distance with several large bodies of horse to annoy the besiegers. But this barbarian merited by his cruelties the ill success which constantly attended all his measures, however well chosen. Irritated at the progress of Adams, and unable to avenge himself in the field, he issued orders for massacring about two hundred Englishmen, who had been made prisoners at Patna, in the beginning of the troubles. One Someraw a German, who had deserted from the company's service, was chosen for the perpetration of this horrid villany. On the day intended for butchering these unfortunate persons, he invited forty of the most considerable to supper at his house; and, in the midst of convivial mirth, when they thought themselves protected by the laws of hospitality as well as of war, the ruffian ordered the Indians under his command to cut their throats. These barbarous soldiers revolted at the savage order: they refused at first to obey, desiring that arms might be given to the English, and that they would then engage them. Someraw, fixed in his purpose, compelled them by threats and blows to the accomplishment of that odious service. The unfortunate victims, though suddenly attacked and wholly unarmed, made a long and brave defence, killing some of the assassins with their plates and bottles. In the end they

were all murdered; and the rest of the prisoners met with the same fate.

This enormous crime was not long unrevenged. Adams soon laid siege to Patna; and notwithstanding the strength of the garrison, and the unusual intrepidity and success of some of their sallies, he took the place by storm in eight days, and forced the perfidious Cossim to seek an asylum in the territories of Sujah Doula, a neighbouring subah, who voted as vizir to the great Mogul.

X. No campaign had ever been conducted with more ability; no plan better laid, or more systematically followed; no operations more rapid. In less than four months major Adams completed, the first of any European, the entire conquest of Bengal. He gained in that time four capital victories, forced the strongest entrenchments, stormed two fortified cities, took five hundred pieces of cannon, and drove into exile the most artful, resolute and implacable enemy the English had ever before encountered in India.

XI. Mir Cossim's expulsion was not, however, attended with any lasting security to the company's affairs in the east: it removed rather than extinguished the fire. The Indian princes sensible that, against European invaders, the cause of one was the cause of all, were alarmed for their own independence, and at the instigation of the fugitive subah took up arms against the English. The death of Adams, whose name was so terrible to them, contributed very much to this resolution. The Shah Zadah, and the nabob Sujah Doula united their forces, and threatened to restore the exiled Cossim, at the head of an army of fifty thousand men, with a suitable train of artillery. Major Munro, who succeeded Adams, shewed himself by no means unworthy of such an appointment. He marched directly in quest of the enemy, and came up with them on the twenty second of October 1764, at a place called Buxar, on the banks of the Camnassary, about one hundred miles above Patna, where they were encamped with all the advantages nature and art could bestow. Before them lay a morass judiciously lined with

cannon, which could neither be passed nor doubled without extremedanger. At the only end by which they seemed accessible, stood a wood occupied by a large body of Indians, who were destined to gall the English in their approach. The first appearance of such a situation was alone sufficient to make major Munro defer an attack, till it could be properly explored. On the day, therefore, of his arrival in sight of the enemy, he pitched his tents just out of the reach of their cannon, and disposed his men so as to be ready to form on any emergency. This precaution was far from being superfluous; for going out next morning, at day-break to reconnoitre the enemy, he found them already under arms. Upon this returning to his camp, he called in all his advanced posts, and, in consequence of the wise dispositions made the day before, saw his line of battle completely formed in less than twenty minutes. The Indians began to cannonade the English at nine o'clock; and in half an hour after the action became general. For above two hours it was impossible to press forward against the regular and galling fire of the enemy in front; till Munro, by a variety of manœuvres directed with judgment and executed with intrepidity, having cleared the left wing of the morass, the small arms began, and the whole Indian army was soon put to flight, leaving six thousand men on the spot, with a hundred and thirty pieces of cannon, a proportionable quantity of military stores, and all their tents ready pitched. This advantage cost the victors, in killed and wounded, but one hundred and nine Europeans, and seven hundred Indians.

XII. The indefatigable major followed the blow by an attempt on the only fort which was still left to Sujah Doula on the same side of the river Camnassary. This fort, called Chanda Geer, was a place of very great strength from its elevated and almost inaccessible situation on a craggy rock; and, as it appeared afterwards, was still stronger by the courage and fidelity of the Indian officer who commanded there. A practicable breach in the walls being effected by artillery, a party of the English

English forces was sent to storm it in the night time; but while they were vainly endeavouring to clamber up the steep ascent, the Indians with equal vigilance and activity poured down upon them such torrents of stones, as forced them to desist, after many were buried under the rubbish made by their own cannon. Shame and a sense of honour tempted them to renew the attack on the ensuing night, but they met with no better success. Munro, therefore, finding it to be a place which no art was requisite to defend, though a great deal to take it, drew off his troops, resolving to relieve their courage and conduct for some better occasion; and encamped in the neighbourhood of Benares, an almost open and opulent city, which it was of importance to protect against the incursions of a plundering enemy.

XIII. Affairs were thus circumstanced in the beginning of the year 1765, when major Munro being recalled home, the temporary command of the army devolved on sir Robert Fletcher; who emulous of the glory gained by his predecessors, resolved to do something to signalize himself, before general Carnac, named by the governor and council of Bengal, could arrive to preclude him. With this view, he broke up his camp near Benares at midnight of the fourteenth of January, and marched in quest of the enemy, whom he chased before him. He next turned his thoughts to the reduction of the fort, the siege of which Munro had found it so imprudent to continue. As he attacked it in the same manner, he would probably have found it equally impregnable: but great discontents now prevailed among the garrison, in consequence of their having received no pay for six months, so that they no longer thought it worth their while to expose themselves to any more trouble or danger in such unprofitable service. Three breaches being made in the walls, the governor came, in sight of his troops, to sir Robert, and delivered up the keys, with tears in his eyes, and a speech, which, at the same time that it contained the highest compliment to his enemy, argued the greatest nobleness of mind in himself. "I have," said he, "endea-

voured to act like a soldier; but deserted by my prince, and threatened by a mutinous garrison, what could I do? God and you (here he laid his hand on the koran, and pointed to his soldiers) are witnesses that I yield through necessity, and that to the faith of the English I now trust my life and fortune." The surrender of this fort was quickly followed by a much greater, though not a more difficult conquest. Sir Robert met with little resistance in making himself master of the enemy's capital, called Eliabad, a large and strong city about seventy miles higher up the Ganges, and of such importance as seemingly to complete the ruin of Sujah Doula.

XIV. Soon after the taking Eliabad, general Carnac assumed the command of the army, and made the best dispositions for securing the new conquests, as well as for restoring order and government to the Country. Nothing occurred for some time to give him the least molestation. Sujah Doula was not in a condition immediately to oppose him. The battle of Buxar had given a terrible blow to the nabob's credit and power: Shah Zadda, the mogul, had then deserted him, and gone over to the English: his forces had also gradually crumbled away by frequent and bloody defeats: still finding a resource in his own steadiness and courage, he resolved not to fall in a weak and inglorious manner. He gathered together, with great assiduity, the remains of his routed armies, and as he knew that they alone could not prop his falling fortune, he applied for assistance to the Marattas, the inhabitants of the mountainous country to the south-west of Oudé, his province. They are an original tribe of Indians, who were never perfectly subdued by the mogul Tartars. Their principal strength consisted in their horse, with which they over-ran, and rendered tributary several provinces, spreading terror and devastation around them. But their fame in arms ceased, when they encountered the English. Meeting Carnac at Calpi on the twentieth of May, they were totally routed, and obliged to seek for shelter in their own mountains.

XV. Foiled in all his military attempts, Sujah Doula took

took a resolution altogether worthy of the spirit and policy of his character. Thinking it better to throw his life and fortune upon the generosity of a brave enemy, than to wander a forlorn exile, dependent on the uncertain hospitality of neighbours, who might purchase their own safety by his ruin, he determined to anticipate his fate, and to surrender himself. Having with a spirit of fidelity unusual in that country allowed Cossim and the assassin Someraw to escape, he appeared three days after the action at Calpi, in general Carnac's camp, nothing being previously stipulated in his favour, but that he should await lord Clive's determination.

XVI. On the first intelligence received by the India company that this war had broke out, they were struck with the utmost consternation. Under the influence of such a panic, nothing seemed to them capable of re-establishing their affairs but the name and fortune of lord Clive, to whom former success had given the character of invincible among the superstitious Indians. The company forgot, that other officers had gained equal honour, though not equal fortunes, in that part of the world. As if the enemies were at their gates, they created a dictator: they invested him and four other gentlemen with unlimited authority to examine and determine every thing, independently of the council, as long as Bengal remained in a state of war or confusion. These extraordinary powers were not granted without a vigorous opposition. Two considerable proprietors, who entered a strong protest against them, represented the commission as illegal and inexpedient: but the general fear over-ruled their objections; and the select committee, as it was called, sailed for Bengal.

XVII. Before the committee's arrival there Mir Jaffier, who had experienced such a variety of fortunes, died, and nominated his son, Naijem Doula, his successor. The council of Calcutta, after some deliberation, confirmed his choice, even to the exclusion of the male issue of a deceased elder son, because it was conformable to the Mussulman custom, which permits the lat-

ter to leave the succession to any of his own surviving sons, in preference to his grandson in the elder branch; and because, from the favourite son's personal character, he seemed likely to be contented with a moderate share of power. But previous to his receiving this honour, the terms were prescribed, on which he was to be admitted to it. The late subah had been bound by treaty to maintain an army of twelve thousand horse and as many foot; instead of which, as they had never been found serviceable, the new one was obliged to settle eight hundred thousand pounds a year, payable out of his treasury, upon the company, who undertook to maintain a sufficient force for his and their own security. He was entirely freed from the trouble of keeping any soldiers, except a few for parade. It was likewise resolved, that he should discard his tutor and prime minister, Nuncomar, and receive in his room a person appointed by the council, who was to act in the same double capacity, as instructor of his youth, and chief manager in his government. The council assumed a negative in the nomination of superintendants and other officers employed in collecting or receiving the revenues; and insisted on the subah's paying all due respect to any complaints, which they might prefer against the behaviour of those, who already were, or should be appointed.

XVIII. Notwithstanding Naijem Doula's inexperience and the supposed pliancy of his character, he made as firm an opposition to these terms as any person in his circumstances could well do. The being obliged to part with Nuncomar, and to accept of a minister whom he could consider in no other light than as a spy upon his actions, was particularly galling. He also objected to several of the regulations that were proposed, in regard to the collection of the revenues; and insisted on the sole and uncontrolled nomination of his own officers. But the force of his remonstrances on any of those points was of little service to him; and his attempts to soften the deputies, who had been sent to negotiate the treaty, proved equally fruitless. Not the smallest relaxation was to be obtained; and

and disagreeable as the terms were, he found it necessary to sign them, or to relinquish all his fondest hopes and pretensions. Large presents were also bestowed, according to constant practice, on the English negociators, who, though inflexible with respect to the articles, were ready to accept of any other acknowledgements from the subah, as the price of his elevation. Being in a country distinguished for riches and venality, — a country where the feeble protection of the laws, and the precariousness of private property have always rendered sumptuous presents customary, they did not think themselves obliged to give the natives an example of self-denial or disinterestedness.

XIX. Among various abuses, which had lately engaged the attention of the company, this very practice of receiving presents, however beneficial to private persons, was deemed most injurious to the general interest. Covenants were therefore sent out from England to be signed by all the company's servants, not to accept of any such presents for the future. These instruments, though they had arrived, were not signed before the date of the treaty with Najem Doula; and, as particular mention was made that they should affect no previous acts, the negociators did not imagine that their late conduct could be called in question. Matters appeared in a different light to the secret committee. They began a rigorous inquiry into the whole proceedings, and passed several resolutions severely reflecting on the council and its deputies. Their pretence was, that luxury, corruption, and the avidity of amassing large fortunes in a little time, had so universally infected the company's servants, that nothing less than a total reform, a perfect eradication of these vices could preserve the settlement from immediate ruin. "Fortunes of a hundred thousand pounds," said lord Clive, "have been acquired in the space of two years; and individuals, very young in the service, are returning home with a million and a half." The charge was retorted by the accused party with no inconsiderable force. "Such objections," said they, "come with a very bad grace from men who are much more culpable. Have

not

not you, who arraign us, amassed princely fortunes by the very same means? Yet you cannot boast superior merit. The danger, which was removed by the battle of Plassey, was not greater than what threatened us before the battle of Buxar. Why should you monopolise rewards? The present happy situation of affairs is owing to our conduct, spirit, and industry. We cannot be bound by covenants which we did not sign. The presents, which we received, were conformable to the custom of the country, and to the practice of the company's servants in all former periods; and they were accepted with great honour, as all the proposed articles were previously settled, without giving up a single point, though large offers had been made for that purpose. Besides, the salaries allowed by the company are so trifling, that nobody can pretend to live upon them in this country: much less can it be supposed, that gentlemen will run such risks of health, property, and life, in a distant clime, if they are not allowed some compensation.

XX. These dissensions were greatly increased by the select committee's having sent for several gentlemen to Madras, to fill up vacancies which had happened in the council at Calcutta, thereby bringing strangers in, over the heads of those whose turn it was, in right of succession, to have filled those places. So extraordinary and irregular a step excited very loud complaints; and a memorial, signed by all the junior and two of the senior servants, was sent home to the court of directors. The powers by which the committee acted, underwent a very strict examination. As the letter of instructions from the directors limited their authority to the duration of the troubles in Bengal, and as, according to the council, tranquility was re-established before their arrival, it was strongly argued, that their commission was null and void. The committee, regardless of these charges, exerted every power mentioned in their instructions to the full extent, making little or no use of the council, whom they sometimes acquainted with transactions, but without licence to give any opinion upon them.

XXI. In the mean time, lord Clive repaired to the army at Eliabad; full powers being vested in him and general Carnac by the select committee to conclude a peace with Sujah Doula, whom the council, on account of his obstinacy and implacability, had deprived of his dominions. The Shah Zadda, who had now succeeded his father as mogul, and had remained with the English since the battle of Buxar, was to take possession of the deposed nobob's territories, as he had discovered an attachment to the English, and engaged in the war against his inclination. These arrangements were entirely disapproved of by lord Clive: he restored his province to Sujah Doula, and disappointed the sanguine hopes of the mogul. He said, that the company's affairs were likely to be involved in an inextricable labyrinth; that the success of their arms promised nothing but a succession of future wars; and that to ruin Sujah Doula was to break down the strongest barrier which the Bengal provinces could have against the invasions of the Marattas, Afghans, and other powers, who had so long desolated the northern districts. The mogul, whose cause the council had favored, his lordship represented as utterly incapable of collecting the revenues of Sujah Doula's country without the assistance of the company's whole force; nor could their connection with him end here: they must have marched their army to Delhi, and established his authority in the empire. For these reasons, his territories were restored to the nabob of Oudé; a small tract of land, yielding two hundred and fifty thousand pounds annually, being reserved for the mogul, who was thus enabled to raise some forces, and to take possession of his capital. The company were constituted dewans, or perpetual collectors of the revenues of Bengal under the mogul, to whom they in return engaged to pay twenty six lacks of rupees yearly, amounting to three hundred and twenty five thousand pounds in English money. The nabob, who was to be the acting collector under the company, was also allowed by them an annual revenue of six hundred and sixty two thousand five hundred pounds, for the sup-

port

port of his dignity, and the expences of his civil government. They likewise guarantied the respective territories of Sujah Dôula and the mogul, and obtained several articles in favour of their own inland trade.

XXII. The advantages accruing to the company from this treaty were said to be immense. According to the noble lord, who concluded it, they would receive a clear yearly income of one million, seven hundred thousand pounds, exempt from all charges, expences, and deductions. By such a large accession of treasure, they would be enabled to make proper investments from Bengal to China, without draining England of its silver, for the payment of the great balance in trade, which is constantly due to that country. The security and permanence, which the company were likely to acquire in consequence of the treaty, tended greatly to enforce the policy of such a measure. As they now became a part of the empire according to its ancient constitution, they were sure of all the support which the mogul could give; and as they had a large revenue appropriated to the purpose of maintaining a sufficient force for their protection, they were no longer in danger of falling victims to the avarice or caprice of the nabobs. But the discontented party at Calcutta represented the treaty in a very different light, as equally inconsistent with the honour and interest of the company. They affirmed, that in breaking the former treaty made with the mogul, whereby he was to be put in possession of all Sujah Dôula's dominions, the faith of the company and of the nation, which had ever been held so sacred in that part of the world, was entirely forfeited; while the English settlements were at the same time deprived of a strong and lasting barrier. "With what face," said they to the negociators, "can you tell us that the Mogul could not collect the revenues of Oudé, when you judged him capable of recovering his own empire? Was it ever heard before that a prince would be the weaker, the more extensive and fertile were his territories? Instead of securing his friendship and increasing his ability to serve the company, you have enfeebled his power, and

and alienated his affections. But whom have you given us in his place? Sujah Doula, a warlike and politic prince, our natural enemy, and who can never forgive the mogul for agreeing to take possession of his province. By your management, the mogul is in such a weak condition, that we must keep an army at his capital, in order to protect him from Sujah Doula, by whom he is surrounded; and, as if this impolitic step were not enough, you have put Doula in possession of all the fortresses in the intermediate country, that he might have every advantage over us in case of a war. By being guaranties of the dominions of both, there is a foundation laid for continual disturbances and distant military expeditions, which may in time prove the ruin of the company's affairs. Major Munro might long before have obtained as advantageous terms; but, as a previous condition, he insisted that Cossim, the author of the war, and Someraw, the murderer of seventy two English gentlemen, should be delivered up. Have not then the honour and justice of the nation been again betrayed, in departing from those requisitions?"

XXIII. Some of these strictures on the treaty carried with them a poignancy which was not to be blunted by any artifice. The shameful connivance at Someraw's escape from justice will excite particular indignation in the breast of the English reader: his astonishment, however, will cease, when he reflects that the negociation was chiefly, if not wholly directed by Clive, a monster destitute of all sense of honour, justice, or humanity, and who was himself said to be deeply stained with innocent blood. But whatever horror many parts of Clive's conduct must excite, he certainly introduced at that time several judicious regulations into the army. He put the troops in the country on a new footing: he ordered barracks to be built for them in proper places: he also divided them into three parts, each of which was to consist of one regiment of European infantry, one company of artillery, and seven battalions of seapoys, each battalion to consist of seven hundred rank and file. One of these divisions was stationed

at

at Eliabad, a second at Patna, and the third in the neighbourhood of Calcutta. These arrangements were well calculated to preserve the tranquillity of the empire, and to secure to the company the fruits of their late acquisitions. What steps were afterwards taken by the English ministry to render the prosperity of the company subservient to the welfare of the nation at large will be a subject of future consideration. Their thoughts were at that time unfortunately, though unavoidably engaged by objects of keener and more immediate concern.

XXIV. Almost every day brought alarming intelligence of the violent proceedings of the populace against the stamp-act in North America. When the report of its having received the royal assent, first reached Boston, the ships in the harbour, hung out their colours half mast high, in token of deep mourning: the bells being muffled rang a dumb peal: the act itself was printed with a death's head impressed upon it, in the place where it is usual to fix the stamp; and was publicly cried about the streets by the name of the "folly of England and ruin of America:" essays, denying not only the expediency, but the equity and legality of the measure, appeared in various newspapers: to these were added caricatures, pasquinades, puns, criticisms, and such vulgar sayings fitted to the occasion, as, on account of their brevity, were easily circulated and retained, and from their inflammatory tendency could not fail of preparing the minds of the rabble to take fire the moment any attempt should be made to carry the act into execution. The ferment gradually spread to the middling and to the higher ranks of the people; and when authentic copies of the act from the king's printing house appeared amongst them, it was treated with all the contempt and indignation, which could be expressed by public authority against the most offensive libel. It was burnt in various places with the effigies of the men supposed to be most active in getting it passed: and the warmest gratitude and respect were testified towards those who had made the most strenuous opposition to it in the English house
of

of commons. Such masters of ships as ventured to take out with them any stamps for the colonies, found reason to repent of their boldness, when they arrived at their destined ports. In order to save their vessels from fire, and their persons from the gallows, most of them were obliged to deliver up the stamps to the enraged multitude, who treated them with the same ignominy, which the act itself had experienced; while a few took shelter under any of the king's ships that happened to be at hand to protect them. Gentlemen, who went from England with commissions to act as distributors of the stamps, met with still severer usage. Many were made to renounce, publicly and upon oath, all concern in them at that or any future period: others thought proper to return home: and some who were suspected of having spoken too freely of the conduct of the populace, saw their effects plundered and their houses burnt to the ground. Even those, who had been named without their solicitation or knowledge, or who were obliged, by virtue of the offices they already filled, to superintend the distribution of stamps, did not escape the fury of the rioters. Nay ships bringing stamped mercantile or custom-house papers, merely for their own security, from those colonies which had thought proper to submit to the act, were forced to part with them, to be stuck up in derision in taverns and coffee-houses, and then publicly committed to the flames. It would be endless to enumerate the various acts of violence, which took place on this occasion, and in which the better sort of people, as already hinted, were seen to intermix with the mob. The provincial assemblies, though they could not at first avoid disapproving of such tumults, yet refused their sanction to any rigorous or effectual measures for suppressing them. This backwardness on their part to strengthen the hands of the executive power was highly applauded in some places by meetings of the freeholders, who directed their representatives not to agree to any steps for the protection of stamp-papers, or stamp-officers, and to guard against all unconstitutional drafts on the public treasury.

But the general assemblies went still farther. Instead of barely conniving at the tumultuous acts of the people in support of what was termed independence, they proceeded to justify them by arguments; and though they resolved to petition the legislature of Great Britain against the stamp-act, it was in such terms as served rather to express their weakness than their submission. Committees of correspondence were established in the different colonies, and select persons were deputed from them to a congress at New York, where they met in October, and signed one general declaration of their pretended rights, and one general petition expressive of their alledged grievances. The merchants also entered into solemn engagements not to order any more goods from Great Britain; to recal the orders already given, if not executed by the first of January 1766; and even not to dispose of any British goods sent them on commission after that time, unless not only the stamp-act, but the sugar and paper-money acts were repealed. The people of Philadelphia resolved, though not unanimously, that, till such repeal, no remittances should be made to England for debts already contracted, nor any lawyers be suffered to commence a suit against a resident in America, in behalf of British claimants. Societies in like manner were formed for the encouragement of domestic manufactures, and plans adopted for shaking off all dependence on the mother country for any of the necessaries or conveniencies of life. It should be observed, however, that the warehouses of a great number of the American merchants were then full of British goods, for which they had not paid, so that some of their resolutions might be justly suspected to proceed from fraud or dishonesty, as well as from patriotism; and there is no doubt but the diffusion of the flame, which at that time spread so rapidly over eight of the colonies, was owing to the wicked efforts of interested and ambitious men, who, under the specious pretext and mask of liberty, and the common cause, gave full scope to their own most detestable passions.

XXV. But by whatever motives the majority of the American malecontents were actuated, the effects of their disaffection and resistance were quickly and severely felt by the mother country. Her manufactures were at a stand: the principal sources of her commerce were cut off: a numerous populace was thrown out of employment; while provisions became extravagantly dear; and public credit received a dreadful shock by the total stoppage of remittances from the colonies. The situation of the ministry was at this juncture peculiarly critical. Surrounded with difficulties, many of them young in office, and without having had sufficient time to secure the confidence of either the sovereign or the people, they had to decide upon a question of the utmost delicacy and magnitude; and they foresaw, that whatever line they might resolve to pursue, they should meet with a formidable opposition. They knew that the framers and supporters of the stamp-act, who certainly formed a very numerous party, would embark warmly in the vindication of their own measures, and would insist on the policy and necessity of quelling at the very outset the daring resistance of the colonists to the legislative authority of Great Britain. They were also aware, that Mr. Pitt and his adherents would carry the contrary doctrine to a pitch of enthusiastic extravagance, and would contend for the absolute surrender or disavowal of the right of taxing the Americans. Between these opposite extremes, they thought it safest to chuse a middle course, and neither to precipitate affairs with the colonists by the rashness of their councils, nor to sacrifice the dignity of the crown or nation by irresolution or weakness. Their dispatches to the American governors were written with spirit, yet with temper, so as not to engage the executive power too deeply, but to leave it still at the option of the supreme legislature to advise pacific measures. The only strong objection which could be urged against such a mode of proceeding was, that when the authority of any government is openly despised, ridiculed, and trampled upon, moderation may cease to be the dictate of either wisdom

or virtue. The moment the standard of rebellion is erected by boldness, it should be pulled down by the most immediate exertions of superior power: obedience ought to be first enforced, and then lenity may be exercised with the happiest effect: it is always a dangerous experiment to let the seditious gather courage from forbearance, and to give their leaders time to settle their plans, and to confirm their influence over the deluded multitude. But however mistaken the new ministry may have been at that particular crisis, the utmost credit is due to them for the purity of their intentions.

XXVI. In this situation were affairs when the parliament met on the seventeenth of December. Particular notice was taken from the throne of the importance of the matters which had occurred in North America, and which were given as a reason for assembling the two houses sooner than was intended, that they might have an opportunity to issue the necessary writs on the many vacancies that had happened since the last session; and proceed immediately after the recess to the consideration of the weighty matters that should then be laid before them, for which purpose the fullest accounts of the American affairs should be prepared for their inspection. An address having been resolved in answer to the king's speech, a motion was made by the opposition for requesting his majesty to give orders, that copies of all letters, instructions, &c. sent from the secretary of state's office, or the other principal departments, to the governors and officers of the crown in North America, with the answers thereto, and all other papers relative to the late disturbances there, should be laid before the house. This motion could not be looked upon as very decent with regard to the crown, after it had been declared from the throne, that the fullest accounts of those matters should be submitted to the consideration of parliament; nor did it appear very candid with regard to the ministry, most of whose friends having vacated their seats in consequence of the late changes, they could not then stand forward to vindicate or explain their conduct, in their proper persons

as members of the house. After a sharp debate, the previous question being put, it was carried in the negative by a majority of seventy to thirty-five. The house then issued the necessary writs, and adjourned for the holidays.

1766. XXVII. There scarce was ever any affair debated in the British parliament, in which the public thought themselves more deeply interested, or for the result of which they felt a more impatient anxiety, than that which was now to undergo discussion. When both houses met on the fourteenth of January, according to their adjournment, a second speech from the throne, as well as the first, pointed out to them the American affairs as the principal object of their deliberations. An address was moved, according to custom, in which, besides the usual expression of thanks, the commons were to acknowledge the highest sense of his majesty's goodness, of his care for the welfare of his people, and of that confidence in the loyalty and affection of his faithful commons which he had shewn in the *early* communication he had been pleased to order of the necessary informations relative to the disturbances in America. The address was agreed to without a division, but not without a warm debate. This was chiefly occasioned by some digressive remarks on the stamp-act. One of the friends of the late ministry asserted, that the honour and dignity of the kingdom obliged parliament to compel the execution of that act, except the right was acknowledged, and the repeal solicited as a favor. Mr. Pitt seized this opportunity of declaring his own sentiments on the subject. He did not make any material objection to the address, as it decided nothing. One word only he disapproved of, and that was the word *early*, which he did not think applicable to the notice given of the troubles in America. He condemned in the gross all the capital measures of the late ministry. He said he was ill in bed, when the resolution was taken in the house to tax America, or he should have borne his testimony against it. As, from the nature of his infirmities,

he could not depend upon health for any future day, he begged leave to say a few words at present on one point, which he thought was not generally understood—the point of right. It was his opinion, that Great Britain had no right to tax the colonies. At the same time he asserted the authority of the mother country over the colonies to be sovereign and supreme, in every circumstance of government and legislation whatsoever: but he pretended, that taxation was no part of the governing or legislative power. In support of this paradox, he had recourse to some ingenious arguments. Taxes, according to his idea, were a voluntary gift and grant of the commons alone; and the commons of England had no right to give away the property of the people of America. “This kingdom,” said he, “as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures—in every thing except that of taking their money out of their pockets without their consent.” But as the duties imposed for the regulation of trade certainly took money out of their pockets, he endeavoured to get clear of the palpable absurdity of admitting that right in one instance, and positively denying it in another, by a subtle distinction between internal and external taxes, the former being levied for the purposes of raising a revenue, while the latter were laid on for the accommodation of the subject, though some revenue might incidentally arise from them.

XXVIII. As all these remarks were directly pointed at Mr. George Grenville's favorite measure, that gentleman made a very spirited reply. He censured the new ministry severely for delaying to give earlier notice to parliament of the disturbances in America. “They began,” said he, “in July; and now we are in the middle of January: lately they were only *occurrences*; they are now grown to disturbances, to tumults and riots. I doubt they border on open rebellion; and if the doctrine I have heard this day be confirmed, I fear they will

will lose that name to take that of revolution. The government over them being dissolved, a revolution will take place in America. I cannot understand the difference between external and internal taxes. They are the same in effect, and only differ in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power. It is one branch of the legislation. It is—it has been exercised over those who are not, who were never represented." Here Mr. Grenville pointed out several instances in support of his assertion, and added, "When I proposed to tax America, I asked the house, if any gentleman would object to the right? I repeatedly asked it; and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America: America is bound to yield obedience." He then observed how ready the Americans had always been to ask protection, and how constantly it had been afforded them by the mother country: but when she called upon them to contribute a small share towards the public expence, an expence arising from themselves, they renounced her authority, insulted her officers, and broke out into open rebellion. The cause was very obvious. "The seditious spirit of the colonies," said he, "owes its birth to the factions in this house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we trod on tender ground: we were bid to expect disobedience. What was this but telling the Americans to stand out against the law—to encourage their obstinacy with the expectation of support from hence? Let us only hold out a little, they would say, our friends will soon be in power." He concluded with some observations on the ingratitude of the Americans, after so much had been done in their favor; and with a short vindication of his own character from the unjust charge of having been an enemy to their trade. The impression, which such a speech must have made on every unprejudiced mind, could

could not be effaced by all the powers of Mr. Pitt's oratory. He made a second harangue of considerable length to justify the resistance of the Americans, and to apologise for the silence of his own party, when the question of right had been repeatedly submitted to the consideration of the house*. Some other gentlemen took a part in this debate; but the substance of their speeches, which were rather desultory, not being confined to the precise object of the address, will be more consistently incorporated with the arguments and discussions to which the declaratory bill, and the repeal of the stamp-act soon afterwards gave rise.

XXIX. While the attention of the commons was very earnestly engaged in examining the papers relative to the American troubles, which were laid before the house by his majesty's order, petitions were received from most of the commercial and manufacturing towns in the kingdom, setting forth the great decay of their trade in consequence of the new laws and regulations made for America; and earnestly soliciting the immediate interposition of parliament. There were also petitions received from the agents for Virginia and Georgia, representing their inability to pay the stamp-duty; and one from the agent for the island of Jamaica, explaining the bad effects of a similar tax which had been laid on in that island by the assembly, but was soon suffered to

* He ascribed that silence to the *modesty* of the house. But it is rather remarkable that the gentlemen of the opposition should have been so very modest upon those occasions only where silence was a crime, and where public duty ought to have prevailed over selfish insidiousness. After all the mischief, according to Mr. Pitt's idea, was done, *he wished gentlemen would get the better of such modesty*; and then directly addressing himself to the Speaker, "Even that chair, sir," said he, "sometimes looks towards St. James's." Mr. Pitt certainly forgot the beauty of this figure, when, a few months after, he not only looked towards St. James's, but found his way there and to the house of lords, unaccompanied by the man whom he had solemnly declared he would live and die with.

expire,

expire, on being found unequal and burdensome; and suggesting the probability, that the like experiment in the colonies would be attended with still greater inconveniencies. There is no doubt but many of those petitions were procured by the intrigues of a few interested individuals; and others by the influence and exertions of the friends of the ministry, who being resolved to move for a repeal of the stamp-act, were naturally desirous of making it appear to be dictated by the voice of the nation.

XXX. Though the urgency of the matter occasioned the house to attend to it with unwearied application, and till a very late hour every night; yet the nature of the inquiries, the number of petitions received, and the multitude of papers and witnesses * to be examined, were attended with long and unavoidable delays. In the mean time there were continual debates; and all the partisans of the late administration made the most strenuous efforts for enforcing the stamp-act, and for preventing the repeal. Those who contended for the repeal, were divided in opinion as to the right of taxation: the more numerous body, of whom were the new ministry, insisted that the legislature of Great Britain had an undoubted right to tax the colonies; but relied on the inexpediency of the tax in question, as ill adapted to the condition of the colonies, and built upon principles

* The famous Doctor Franklin was one of those who appeared before the committee of the whole house on that occasion; and the ministry laid particular stress on the result of his examination. He described in very emphatical terms the inability of the colonies to pay the stamp-duty; the general discontent it had occasioned; and the impracticability of enforcing that, or any other internal tax imposed by the British legislature. He expressed, at the same time, his belief, that the Americans would be satisfied if the stamp-act was repealed; and that the resolutions of right (on which the declaratory bill was afterwards founded) would give them little concern, *if they were never attempted to be carried into practice*. How different is the language of an artful and zealous advocate from the testimony of an impartial witness!

ruinous

ruinous to the trade of Great Britain; those, who denied the right of taxation, were not so numerous; but they consisted of some very popular characters, at the head of whom appeared lord Camden in the upper house, and Mr. Pitt in the lower. The substance of what the latter urged against the right of taxation has been already given: by now adding to it the speech of the former on the same subject, the reader will be in possession of all that was advanced by the ablest men on that side of the question.

XXXI. In the introductory part of his lordship's speech, he endeavoured to exculpate himself from a heavy charge brought against him as the broacher of new-fangled doctrines, contrary to the laws of the kingdom, and subversive of the rights of parliament. He declared that he had taken the strictest review of his arguments, and had re-examined all his authorities; but that his searches had more and more convinced him, that the British parliament had no right to tax the Americans. He asserted, that this doctrine was not new;—that it was as old as the constitution;—that taxation and representation were inseparably united;—that God had joined them; and that no British parliament could put them asunder. He also mentioned two pamphlets, published seventy years before in support of the same opinions; to vindicate himself from the imputation of having first broached the doctrine. He then proceeded in the following words:

“ My position is this—I repeat it—I will maintain it to my last hour,—taxation and representation are inseparable;—this position is founded on the laws of nature;—it is more, it is itself an eternal law of nature; for whatever is a man's own, is absolutely his own; no man hath a right to take it from him without his consent, either expressed by himself or representative; whoever attempts to do it, attempts an injury; whoever does it, commits a robbery; he throws down and destroys the distinction between liberty and slavery. Taxation and representation are coeval with, and essential to this constitution.

situation. I wish the maxim of Machiaval was followed, that of examining a constitution at certain periods, according to its first principles: this would correct abuses, and supply defects."—His lordship here took occasion to censure some historians and antiquaries, who had endeavoured to fix the æra when the house of commons began; which he thought a most pernicious and destructive attempt. He affirmed, that it began with the constitution; that there was not a blade of grass growing in the most obscure corner of the kingdom, which was not, and had not ever been represented, since the constitution began; and which, when taxed, was not taxed by the consent of the proprietor—"I challenge," continued his lordship, "any one to point out the time when any tax was laid upon any person by parliament, that person being unrepresented in parliament.—The parliament laid a tax upon the palatinate of Chester, and ordered commissioners to collect it there, as commissioners were ordered to collect it in other counties. But the palatinate refused to comply: they addressed the king by petition, setting forth, that the English parliament had no right to tax them; that they had a parliament of their own; that they had always taxed themselves; and therefore desired the king to order the commissioners not to proceed. The king received the petition: he did not declare them either seditious or rebellious, but allowed their plea, and they taxed themselves.—Both the petition and the king's answer may be seen in the records in the Tower.—The clergy taxed themselves: when the parliament attempted to tax them, they stoutly refused; said they were not represented there; that they had a parliament of their own, which represented the clergy; and that they would tax themselves: they did so. Much stress has been laid upon Wales, before it was united as it now is, as if the king, standing in the place of the former princes of that country, raised money by his own authority, but the real fact is otherwise, for I find that long before Wales was subdued, the northern counties of that principality had representatives, and a parliament or assembly.

assembly. As to Ireland, before that kingdom had a parliament as it now has, it is evident from the old records, that when a tax was to be laid on that country, the Irish sent over here representatives; and the same records inform us what wages those representatives received from their constituents. In short, from the whole of our history, from the earliest period, it appears that taxation and representation were always united; so true are the words of that consummate reasoner and politician Mr. Locke—*The supreme power cannot take from any man any part of his property without his consent.* Such are the words of this great man, and which are well worth serious attention. His principles are drawn from the heart of our constitution, which he thoroughly understood, and will last as long as that shall last; and, to his immortal honour, I know not to what, under providence, the revolution and all its happy effects are more owing than to the principles of government, laid down by Mr. Locke.—His lordship concluded with saying, that for these reasons he could never give his assent to any bill for taxing the American colonies, while they remained unrepresented. He thought the idea of a virtual representation so absurd as not to deserve an answer; and he further observed, “that the forefathers of the Americans had not left their native country, and subjected themselves to danger and distress, to be reduced to a state of slavery.

XXXII. Very little was added to lord Camden's and Mr. Pitt's arguments by such of the speakers in either house as concurred with them in opinion. They cited the remarks of a few writers on natural law, in addition to Mr. Locke's authority; and they brought instances from ancient history of the conduct of some of the most famous republics, with respect to their colonies, as well as of colonies which outgrew their mother countries, such as Carthage, the northern emigrants, &c. They also quoted precedents from what happened in the Netherlands, and other places, which, they said, should serve as a beacon, to warn Great Britain from pursuing the measures which had brought about those revolutions.

XXXIII. All

XXXIII. All these arguments, however plausible and popular, were answered with great force of reason, and knowledge of the constitution, from the other side. They shewed the fallacy of the remark, *that taxation and representation were inseparable*, as it was *protection* which gave the right of taxing; and a tax was not, as Mr. Pitt alledged, a *gift* to the crown, but a compensation for personal service, a just and necessary contribution towards the expences incurred by government in guarding the life and property of the subject. "The inferences," said they, "which have been deduced from mere conjectures about the ancient state of our constitution, are idle and inconclusive. The constitution of this country has been always fluctuating, always gaining or losing: even the representation of the commons was not formed into any fixed system till the reign of Henry the seventh. What does it avail then to recur to ancient records, when the constitution is no longer the same;—when nobody can ascertain its state at the times which are quoted;—and when there are things even in *Magna Charta*, that are not constitutional now? Historical researches of this kind are as frivolous as all that mass of learning and dissertation collected from *natural* lawyers, such as Locke, Selden, Puffendorf, and other speculative writers on the subject of government, whose subtleties and refinements are very little to the purpose in a question of constitutional law. Beyond the æra of Edward I. or king John, the mode of taxation is involved, through the uncertainties of history, in doubt and obscurity. Some of the writs upon record were conformable, some contrary to law. Of the latter sort were those issued for raising ship-money, for calling assemblies to tax themselves, and for extorting benevolences. Can any just conclusion be drawn from such discordant, such opposite precedents?"

XXXIV. The challenge so boldly given to any one to point out the time when any tax was laid upon any person by parliament, that person being unrepresented in parliament, was very easily answered. The marches of

Wales had, indeed, enjoyed for a short period the privilege of taxing themselves; but it was a privilege allowed them only during the life of Edward the first, on account of the assistance they had given him in his wars against the inhabitants of the mountains. After the accession of his son, they were annexed to the crown, and became subject to taxes, like the rest of his dominions; "and from thence," said the advocates for parliamentary right, "came the custom, though unnecessary, of naming Wales and the town of Monmouth in all proclamations, and in acts of parliament. Henry the eighth was the first who issued writs for the return of two members as representatives of that district. Before his time this point was left to the discretion of the crown; a circumstance which caused the great inequality observable to this day in our representation. One of the counties palatine was taxed for the space of fifty years before it sent members to parliament. With what colour of truth then can it be alledged that representation and taxation have been inseparably connected in England since the first origin of the constitution? It is equally absurd to found any argument on the case of the clergy; because they were at no time unrepresented. They had always a right of voting singly in the election of members; and it was from motives of expediency, that they obtained by petition the consent of parliament for taxing themselves."

XXXV. The same speakers discovered no less ability in demonstrating how inapplicable to the present question all those instances were, which had been cited with so much ostentation concerning the colonies of antiquity. "Those," said they, "of the Tyrians in Africa, and of the Greeks in Asia, were totally different from our system. None of the ancients formed any regular plan of colonisation but the Romans; and their government of all distant provinces being a military one, implied a boundless and uncontrollable authority. The states of Holland were not colonies, but feudal dependencies on the house of Austria: and certainly nothing can be more irreconcilable with the idea of a colony than that inundation

dation of men, who poured into the Roman empire from the north. These barbarous emigrants renounced all connection with their native deserts and forests, which upon their departure remained generally unpeopled, till some remoter tribe of savages pushed forward to occupy their place. But our colonies emigrated under the sanction of the crown and parliament; and, though they were gradually modelled into their present forms by charters, grants, and statutes, they were never emancipated from the controul of the mother country; nor have they themselves, at any time, denied their dependence on the crown. How then can they help acknowledging their dependence on parliament, when both are inseparable, and constitute one single and indivisible authority? As soon as the commonwealth parliament was formed, it discovered great jealousy of a separation of the colonies, and passed an act establishing their authority over them. It is a question whether this act be not still in force; but if it should not, usage alone, without any express law, is sufficient to establish the point. Tacit consent, in such cases, is equivalent to a positive institution: it is a constant act of recognition. And have not the colonies submitted since their first origin to the jurisdiction of England? Have they not appealed to the privy council in all questions of property; and have not such causes been determined, not by the law of the colonies, but by the law of England? They have been frequently at variance: New Hampshire and Connecticut were once in blood about their limits: Virginia and Maryland shewed an equal readiness to decide one of their disputes by the sword. Can there be stronger proofs of the necessity of a supreme jurisdiction, to which all the inferior may recur? There would be no end of feuds and factions among the various separate governments, unless there was some one of sufficient force and authority to determine their mutual differences. As the constitutions of the several colonies are not formed on the same exact principles, they must from the nature of things and their particular relations remain dependent upon the jurisdiction of the

mother country, or be totally dismembered from it. No one ever thought the contrary, till the trumpet of sedition has been lately blown. Acts of parliament restraining and regulating their trade have been passed, not only without the least doubt of their legality, but with the greatest applause. The navigation-act shut up their commerce with foreign nations, and made it center in the bosom of that country, from which they derive their origin. Port duties, cramping and diminishing their trade, have been imposed without murmur; and regulations, such as the post, affecting the very inmost parts of their commerce, have been embraced with alacrity."

XXXVI. Here they took occasion to shew how futile Mr. Pitt's distinction was between internal and external taxes. "Such a distinction," said they, "is as false and groundless as any other that has been made. It is granted that restrictions upon trade, and duties upon the ports are legal, at the same time that the right of the parliament of Great Britain to lay internal taxes upon the colonies is denied. What real difference can there be in this pretended distinction? A tax laid in any place is like a pebble dropt into a lake, and making circle after circle, till the whole surface from the center to the circumference is agitated: for nothing can be more evident than that a tax laid upon tobacco either in the ports of England or Virginia, is as much a duty laid on the inland plantations of the latter, as if it were collected a hundred miles up the country, on the spot where the tobacco grows. This truth is farther illustrated by the very cases now before us. The postage was an internal tax on paper folded like letters! the stamp-act on paper unfolded. Wherein lay the difference? To allow the authority of the supreme legislature in the one, and to deny it in the other, must be the effect of wilful perverseness and flagrant inconsistency."

XXXVII. As both Mr. Pitt and lord Camden had treated the idea of a virtual representation in parliament with the utmost contempt, some very shrewd remarks were made by the opposite party on the trite artifice of affecting

affecting to despise what it would have been impossible to overturn. "There can be no doubt," said they, "but that the inhabitants of the colonies are as much represented in parliament as the majority of Englishmen, nine tenths of whom have no votes in elections. Every objection therefore to the dependence of the colonies upon parliament, which is drawn from this source, is equally conclusive against the whole constitution. A member chosen for any even the smallest borough represents not only the constituents of that particular place, but the inhabitants of the entire kingdom. In the same manner then that he represents all the commons of the land, necessarily including the non-electors, he represents the colonies, and is in duty and conscience bound to take care of their interests."

XXXVIII. In summing up these different arguments, their collective force was irresistibly felt. The most satisfactory demonstrations seemed to have been given, that protection was the only true ground on which the right of taxation could be founded: that the obligation between the colonies and the mother country, was natural and reciprocal, consisting of defence on the one side, and obedience on the other: that they must be dependent in all points on the parent state, or else not belong to it at all: that the distinction between internal and external taxes was not more repugnant to common sense, than to facts, and to the frequent and unopposed exercise of the parliamentary authority of Great Britain in the one case, as well as in the other: and that the far greater part of the people of England, who were non-electors, might with as much reason object to taxes, on the ground of being only virtually represented, as the inhabitants of the colonies. Upon the question being put, the power of the legislature of Great Britain over her colonies, in all cases whatsoever, and without any distinction in regard to taxation, was confirmed and ascertained, without a division in either house.

XXXIX. The grand committee, who had passed the
P 3 resolutions

resolutions on which the foregoing question was debated, had also passed another for the total repeal of the stamp-act; and two bills were accordingly brought in to answer these purposes. By the resolutions, on which the former was founded, it was declared that tumults and insurrections of the most dangerous nature had been raised and carried on in several of the colonies, in open defiance of government, and in manifest violation of the laws and legislative authority of the mother country; and that these tumults and insurrections had been encouraged and inflamed by several votes and resolutions, which had been passed in the assemblies of the said colonies, derogatory to the honour of government, and destructive to their legal and constitutional dependency on the crown and parliament of Great Britain. By the bill itself, all these votes, resolutions and orders of the American assemblies were annulled and reprobated; and the ministry having thereby secured, as they imagined, the dependence of the colonies, and provided for the honour and dignity of Great Britain, and its constitutional superiority over them, contended for the expediency of repealing an act, which they said was injudicious, oppressive, and incapable of being enforced but by fire and sword. The late ministry and their friends, who supported the new administration in the debate on the question of right, opposed the repeal with considerable strength both of argument and numbers. But in spite of all their efforts, it passed upon a division by a majority of 275 to 167, and was carried up to the lords by above two hundred members of the house of commons. The eclat, however, with which it was introduced into the upper house, did not prevent its meeting with a strong opposition there also. Thirty three lords entered a protest against it at the second reading; as twenty eight did at the third. The following is the substance of the reasons they assigned for their dissent, and which are the more memorable as they contain some political predictions, that have since been too fully verified by events: 1st. Because

1st Because we are of opinion, that the total repealing of the stamp-act, while such an outrageous resistance is continued by the colonies, will make the authority of Great Britain contemptible hereafter; and that such a submission of the supreme legislature, under such circumstances, would be in effect a surrender of their ancient unalienable rights to subordinate provincial assemblies, established only by prerogative, which in-itself had no such powers to bestow.

2dly. Because the law, which this bill now proposes to repeal, was passed last session in the other house with very little opposition, and in this without one dissentient voice, which, we presume, could not have happened, if it had been wholly and fundamentally wrong; as the matter of it is so important, and as the intention of bringing it in had been communicated to the commons the year before, and a resolution preparatory to it was then agreed to in that house, without any division.

3dly. Because, if any particular parts of that law, the principle of which has been submitted to without repining, for near a century past, had been found liable to just objections, they might have been altered, and we should have thought it our duty to have seriously considered such alterations with a warm desire of relieving our countrymen in America from any grievance; but with proper care to enforce their obedience to the law so amended, and to the whole legislative authority of Great Britain, without any reserve.

4thly. Because it appears to us, that a most essential branch of that authority, the power of taxation, cannot be equitably or impartially exercised, if it does not extend itself to all the members of the state, in proportion to their respective abilities, but suffers a part to be exempt from a due share of those burdens which the public exigencies require to be imposed upon the whole: a partiality, directly repugnant to the trust reposed by the people in every legislature, and destructive of that confidence on which all government is founded.

5thly. Because the ability of our North American colonies

lonies to bear, without inconvenience, the proportion laid on them by the stamp-act, appears unquestionable. Its estimated produce of sixty thousand pounds per annum, if divided amongst twelve hundred thousand people, being little more than one half the subjects of the crown in North America, would be only one shilling per head a year, which is but a third of the wages usually paid there for one day's labour. The colonies have in the course of three years discharged above 1,755,000*l.* of the debt contracted by them in the last war; and the much greater part of their remaining incumbrances, amounting in the whole to 760,000*l.* will be paid off in two years more. The bounties and advantages given to them by parliament in 1764 and 1765; and the duties thereby lost to Great Britain for their service, must amount, in a few years to a far greater sum than the produce of the tax. It is also evident, that such produce being wholly appropriated to the payment of the army maintained by this kingdom in our colonies, at the vast expence of almost a shilling in the pound land tax, annually remitted by us for their special defence and protection; not only no money would be actually drawn by it out of that country, but the ease given by it to the people of Great Britain, who are labouring under a debt of seventy millions, contracted by them to support a very dangerous war entered into for the interest and security of those colonies, would have redounded to the benefit of the colonies themselves in their own immediate safety, by contributing to deliver them from the necessary expence which many of them have hitherto always borne, in guarding their frontiers against the savage Indians.

6thly. Because not only the right, but the expediency and necessity of the supreme legislature's exerting its authority to lay a general tax on the colonies, whenever the wants of the public make it fitting and reasonable that all the provinces should contribute in a proper proportion to the defence of the whole, appear undeniable. Such a tax could not otherwise be regularly imposed even
by

by their own provincial assemblies, every province being separate and independent on the others: and, in the present case as well as in the possible contingency of a new war, a partial exemption of the colonies from any exercise of so just and necessary a right by the British legislature, would tend to alienate the hearts of the other subjects of the crown from the people of America, to the very great detriment of the latter.

7thly. Because the reasons assigned in the public resolutions of the provincial assemblies, in the North American colonies, for their disobeying the stamp-act, viz. "That they are not represented in the parliament of Great Britain," extends to all other laws of what nature soever, which that parliament has enacted, or shall enact. It farther appears from the most authentic information, that the people in general aim at nothing less than an exemption from all taxes, and from all restraints on their trade imposed by the mother country: nor is it easy to conceive a greater encouragement than the repealing of a law, opposed by them on such principles, and with so much contempt of the sovereignty of the British legislature.

8thly. Because the appearance of weakness and timidity in the government and parliament of this kingdom, which a concession of this nature may too probably carry with it, has a manifest tendency to draw on farther insults, and, by lessening the respect of all his majesty's subjects to the dignity of his crown, and authority of his laws, throw the whole British empire into a miserable state of confusion and anarchy, with which it seems, by many symptoms, to be dangerously threatened. And this is the more to be feared, as the plea of our North American colonies, that, not being represented in the parliament of Great Britain, they ought not to pay taxes imposed or levied upon them by the authority thereof, may, by the same reasoning, be extended to all persons in this island, who do not actually vote for members of parliament: nor can we help apprehending, that the opinion of some countenance being given to such notions

tions by the legislature itself, in consenting to this bill for the repeal of the stamp-act, may greatly promote the contagion of a most dangerous doctrine, destructive to all government, which has spread itself over all our North American colonies, that the obedience of the subject is not due to the laws and legislature of the realm, farther than he, in his private judgment, shall think it conformable to the ideas he has formed of a free constitution.

9thly. Because we think it no effectual guard against this danger, that the parliament has declared in a bill, that such notions are ill founded; as men will look always more to deeds than words, and may therefore incline to believe that, the insurrections in the colonies, excited by those notions, having attained the very point at which they aimed, without any previous submission on their part, the legislature has, in fact, submitted to them, and has only more grievously injured its own dignity and authority by verbally asserting that right which it substantially yields up to their opposition. The reasons assigned for this concession render it still more alarming, as they arise from an illegal and hostile combination of the people of America to distress and starve our manufacturers, and to withhold from our merchants the payment of their just debts. If this unprecedented plan of intimidation shall meet with success, it is easy to foresee that the practice of it, for other and still greater objects, will frequently be renewed, and our manufacturers and merchants reduced to the like and more permanent distress.

Lastly, because we are convinced, from the unanimous testimony of the governors, and other officers of the crown in America, that if, by a most unhappy delay and neglect to provide for the due execution of the law, and arm the government there with proper orders and powers, repeatedly called for in vain, these disturbances had not been continued and increased; they might easily have been quieted before they had attained to any dangerous height; and we cannot without feeling the most lively sense of grief and indignation, hear arguments, drawn from the progress of evils which should and might have been
been

been stopped in their first and feeble beginnings, used for the still greater evil of sacrificing to a present relief the highest permanent interests, and the whole majesty, power, and reputation of government. This afflicts us the more deeply, because it appears, from many letters, that this law, if properly supported by government, would, from the peculiar circumstances attending the disobedience to it, execute itself, without bloodshed. In one of those letters to the secretary of state, it is said, "that the principal view is to intimidate the parliament; but that if it be thought prudent to enforce their authority, the people dare not oppose a vigorous resolution of the parliament of Great Britain." The want of such vigour will, we fear, produce one of these two fatal consequences : either the repeal of this law will, in effect, annul all other laws relating to our colonies, particularly the acts that restrain their commerce, of which they are most impatient ; or, if we should hereafter attempt to enforce the execution of those laws against their will, and by virtue of an authority which they have dared to insult with impunity and success, that endeavour will bring upon us all those evils, to the fear of which we now sacrifice the sovereignty of the realm, and this at a time when the strength of our colonies, as well as their desire of a total independence on the legislature and government of their mother country, may be greatly augmented ; and when the circumstances and dispositions of the other powers of Europe may render the contest far more dangerous and formidable to this kingdom.

XL. In the second protest, many of the same objections were farther enforced, and some new ones added. The dissenting lords looked upon the declaratory bill as a delusive and nugatory affirmation of the legislative right of Great Britain, whilst the enacting part merely annulled proceedings that were absolutely criminal. They proved, by a reference to the papers on their table, that the particular allegations which had been brought against the stamp-act in the colonies, as tending to drain them of their specie and to deprive them of trials by juries, were

were refuted by the most undeniable evidence. They condemned ministry for not calling parliament earlier, as their determinations for enforcing or repealing that act, which was not to have taken place till the first of November, would have probably delivered the British merchants and manufacturers from the difficulties and distress, to which they had been for so many months exposed, and would have prevented the disorders in America from taking so deep a root. They said, that the experiment had not been properly tried, and, therefore, that any argument drawn from its failure was extremely ill-founded. They thought that such a precedent of the two houses of parliament lending their power, from motives of fear or impatience under a present uneasiness, to overturn, in one month, a plan of measures undertaken with their warmest approbation and concurrence, after the most mature deliberation of two years together, for the improvement of the revenue and the relief of the people, would effectually discourage all officers of the crown in America from doing their duty, and would deter future ministers, in any circumstances of distress or danger to their country, from opposing their fortitude and zeal for the service of the public to strong combinations of private and particular interests, to the clamour of multitudes, or the malice of faction, a pusillanimity that must end in the ruin of the state. They farther contended, that the repeal of the stamp-act, under all the before mentioned circumstances, would not only be a surrender for ever of the honour and essential interests of the kingdom; but would also deeply affect the fundamental principles of the constitution: it would be disclaiming legislative authority over the subject, which they seemed either afraid or unable to maintain: it would be annihilating one branch of the legislature, and voting themselves useless: it would be giving their approbation to an open breach of the first article of that great palladium of British liberty, the bill of Rights, as the officers of the crown, acting under the eye, and with the knowledge of government, had dared to suspend the execution of the law,

law, without consent of parliament, even whilst parliament was sitting: it would, in short, by its flagrant partiality and injustice, either depopulate Great Britain, or shake the basis of equality, and of that original compact, upon which every society was founded.

XLI. On the eighteenth of March, two days after the date of this second protest, the bill for repealing the stamp-act, as well as that which proposed to secure the dependency of the colonies on the British crown, received the royal assent. The American merchants and other persons interested in the same trade did not neglect any means of testifying their joy on the occasion: several ships in the river displayed their colours; and, at night, houses were illuminated all over the city. The ministry were still more successful in other steps which they took to gain popularity. They had a bill passed for the repeal of the cider-act, and for substituting in its place a new duty entirely different in the mode of collection. General warrants and the seizure of papers, except in cases provided for by act of parliament, were declared to be illegal, and to be a breach of privilege, if executed against any member; but a bill founded on these resolutions of the commons was thrown out by the lords, as unnecessary and frivolous. The old duties upon houses and windows were abolished; and the rates were settled with much more equity and ease to the lower and middling ranks of people. Two bills were also passed at the close of the session on the sixth of June, for which the friends of the ministry thought they deserved some praise, at least from the mercantile part of the community: the one was for opening free ports, under certain restrictions, in different parts of the West Indies; and the other was a law indemnifying those who had incurred any penalties, in consequence of the stamp-act, and requiring compensation to be made by the American assemblies to such persons as had suffered in their property by the late riots. In this detail of the merits of the marquis of Rockingham's administration, it must not be forgotten that he removed some restraints

which were considered as heavy clogs on the colonial trade; that he settled to the satisfaction of the owners the long contested affair of the Canada bills; and that he concluded with Russia a commercial treaty, which procured him the unanimous thanks of the Russia company.

XLII. But all these smaller claims to esteem could not supply the want of experience, decision, and firmness in the more important concerns of the state. The duke of Grafton, one of the secretaries, feeling the instability of his colleagues, or unwilling, as he pretended, to act without Mr. Pitt, resigned in the beginning of May; * and though his place was immediately filled by the duke of Richmond, yet his retreat at that juncture was generally looked upon as a strong symptom of the probable dismissal of his late associates. They did not maintain their ground long after parliament was prorogued. Their fall is said to have been accelerated by the following circumstance. After the repeal of the stamp act, which the marquis and his friends looked upon as the only method of conciliating the affections of the refractory colonies, they took into consideration the state of Canada, for which province no complete system of government had yet been formed. They conceived it necessary to supply this defect; and having drawn the outlines of a plan, preparatory to a bill for that purpose, they submitted their sketch to lord Northington the chancellor. He had never been very cordially their

His Grace declared in the house of lords, "that he had no objection to the persons, or to the measures of the ministers he had recently left; but that he thought they wanted strength and efficacy to carry on proper measures with success; and that he knew but one man, (meaning Mr. Pitt) who could give them that strength and solidity: that, under him, he should be willing to serve in any capacity, not only as a general officer, but as a pioneer, and would take up a spade and a mattock."—The duke, however, forgot these professions in almost as short a time as Mr. Pitt forgot the solemn declaration of his indissoluble attachment to lord Temple.

friend

friend, and was now, perhaps, glad of a favorable opportunity of expressing his dislike. He condemned the whole measure in the most unqualified terms of disapprobation: he even went to the king and complained to his majesty of the unfitness of his ministers, adding that they could not go on, and that Mr. Pitt must be sent for. In consequence of these very plain assertions, the chancellor was commissioned to confer with Mr. Pitt on the subject of a new arrangement.

XLIII. As Mr. Pitt's refusal of former offers had solely arisen from their not allowing him to fill all the departments of the state with whom he pleased, that objection was now removed by the chancellor's assuring him, that the king had no terms to propose; and the same assurance was afterwards confirmed to him by the king himself, to whom he was introduced at Richmond, on the twelfth of July. Lord Temple, who was then at Stowe, being sent for by his majesty's order, came to town with all possible dispatch; and having first paid his respects to the king, waited next upon Mr. Pitt, to assist him in forming the arrangements. As the account of their conference, which was communicated by lord Temple to Mr. Cotes, and soon after published, places Mr. Pitt's character, principles, and ruling passion in the strongest light, no apology need be made for inserting here a piece of such interesting and authentic information.

XLIV. On the morning after lord Temple had seen the king, he "received a very affectionate letter from Mr. Pitt, then at North End, Hampstead, desiring to see his lordship there, as his health would not permit him to come to town. His lordship went; and Mr. Pitt acquainted him, that his majesty had been graciously pleased to send for him, to form an administration; and as he thought his lordship *indispensible*, he desired his majesty to send for him, and put him at the head of the treasury; and that he himself would take the post of privy seal. Mr. Pitt then produced a list of several persons, which he said he had fixed upon to go in with

his lordship, and which, he added, was not to be altered. Lord Temple said, that he had had the honour of a conference with his majesty at Richmond the evening before, and that he did not understand, from what passed between them, that Mr. Pitt was to be *absolute master*, and to form *every part* of the administration: if he had, he should not have given himself the trouble of coming to Mr. Pitt upon that subject, being determined to come in upon an *equality* with Mr. Pitt, in case he was to occupy the most responsible place under government: and as Mr. Pitt had chosen only a side-place, without any responsibility annex to it, he should insist upon some of his friends being in the cabinet-offices with him, and in whom he could confide: which he thought Mr. Pitt could have no objection to, as he must be sensible he could not come in with honour, unless he had such nomination; nor did he desire, but that Mr. Pitt should have his share of the nomination of *his* friends. And his lordship added, that he made a *sacrifice* of his brother, Mr. George Grenville, who notwithstanding his being entirely out of place, and excluded from all connection with the intended system, would nevertheless give *him* (lord Temple) all the assistance and support in his power: that it was an idea to conciliate all parties, which was the ground that had made Mr. Pitt's former administration so respectable and glorious, and to form upon the solid basis of *union* an able and responsible administration, to brace the relaxed sinews of government, retrieve the honor of the crown, and pursue the permanent interest of the public: but that if Mr. Pitt insisted upon a *superior* dictation, and did not chuse to join in a plan designed for the restoration of that *union*, which at no time was ever so necessary, he desired the conference might be broke off, and that Mr. Pitt would give himself no farther trouble about him, for that he would not submit to the proposed conditions.

“ Mr. Pitt, however, insisted upon continuing the conference; and asked, who those persons were whom his lordship intended for some of the cabinet employments?

His

His lordship answered, that one in particular was a noble lord of approved character, and known abilities, who had last year refused the very office now offered to him (lord Temple) though pressed to it in the strongest manner by the duke of Cumberland and the duke of Newcastle; and who being their common friend, he did not doubt Mr. Pitt himself had in contemplation. This worthy and respectable person was lord Lyttleton. At the conclusion of this sentence, Mr. Pitt said, good God! how can you compare him to the duke of Grafton, lord Shelburne, and Mr. Conway? besides, continued he, I have taken the privy seal, and he cannot have that. Lord Temple then mentioned the post of lord president: upon which Mr. Pitt said, that could not be, for he had engaged the presidency: but, says he, lord Lyttleton *may have a pension*. To which lord Temple immediately answered, that would never do; nor would he stain the bud of his administration with an accumulation of pensions. It is true, Mr. Pitt *vouchsafed* to permit lord Temple to nominate his own board; but at the same time insisted, that if two persons of that board (T. Townshend and G. Onslow Esqrs.) were turned out, they should have a compensation, i. e. *pensions*.

“Mr. Pitt next asked, what person his lordship had in his thoughts for secretary of state? His lordship answered, lord Gower, a man of great abilities, and whom he knew to be equal to any Mr. Pitt had named, and of much greater alliance; and in whom he meant and hoped to unite and conciliate a great and powerful party, in order to widen and strengthen the bottom of his administration, and to vacate even the idea of opposition; thereby to restore unanimity in parliament, and confine every good man's attention to the real objects of his country's welfare. And his lordship added, that he had never imparted his design to lord Gower, nor did he know whether that noble lord would accept of it, but mentioned it now, only as a comprehensive measure, to attain the great end he wished, of restoring unanimity by a reconciliation of parties; that the business of the na-

tion might go on without interruption, and become the only business of parliament. But Mr. Pitt rejected this proposal, evidently *beating* as it appeared, by saying, that he had determined Mr. Conway should stay in his present office, and that he had lord Shelburne to propose for the other office, then held by the duke of Richmond; so that there remained no room for lord Gower. This, lord Temple said, was coming to his first proposition of being *sole* and *absolute* dictator, to which no consideration should ever induce him to submit. And therefore he insisted on ending the conference; which he did with saying, "that if he had been first called upon by the king, he should have consulted Mr. Pitt's honour, with regard to the arrangement of ministers, and have given him an *equal* share in the nomination; and that he thought himself ill-treated by Mr. Pitt, in his not observing the like conduct."

XLV. It is unnecessary to make any remarks on Mr. Pitt's behaviour at this conference. He appears there without any disguise, and divested of that dazzling lustre which his genius spread round him on all public occasions. Availing himself of the *carte blanche* which had been given him by the king, he spurned at every idea of *equality*, of *union*, and of *beating proposals*. Honour, friendship, and even the welfare of his country had very little weight, when they came in competition with his vanity. But the short lived triumph of his pride was followed by long and stinging mortifications. He weakly fancied that his name alone would establish a ministry, and that the first men in the kingdom would be ready at a call to enlist under his banner, and to take whatever post he might think proper to assign them. A few experiments convinced him of his mistake. He made various offers to different persons of great weight and consideration, with a view of detaching them from their friends. He tampered with the duke of Portland, late lord chamberlain; with Mr. Dowdeswell, the late chancellor of the exchequer; and even with lord Gower, to whom he proposed the office of secretary of state, though he had set his face against the very same appointment, when

when suggested by lord Temple. All his offers were rejected. He then went to the marquis of Rockingham's; but the marquis refused to see him. Rendered desperate by these rebuffs, he formed that *chequered* and *speckled* administration, of which it is impossible to give a juster, or more striking picture than in the following words of Mr. Burke:

XLVI. "He put together a piece of joinery, so crossly indented and whimsically dove tailed; a cabinet so variously inlaid; such a piece of diversified Mosaic; such a tessellated pavement, without cement; here a bit of black stone, and there a bit of white; patriots and courtiers; king's friends and republicans; whigs and tories; treacherous friends and open enemies; that it was indeed a very curious show; but utterly unsafe to touch, and unsure to stand on.—When he had accomplished his scheme of administration, he was no longer a minister."—The scepter of absolute controul, which he was so fond of wielding, fell from his infirm grasp; and he was confined in reality to that *side-place*, as lord Temple called it, whence he hoped to have directed the operations of those who stood in the foremost ranks of power and responsibility.*

* The new arrangement took place on the 30th of July.—Mr. Pitt, being then created viscount Pynsent and earl of Chatham, received the privy seal, lately held by the duke of Newcastle: the duke of Grafton was placed at the head of the treasury, in the room of the marquis of Rockingham; and Charles Townsend succeeded Mr. Dowdeswell as chancellor of the exchequer: General Conway was continued in the office of secretary of state; but had for his colleague the earl of Shelburne, instead of the duke of Richmond: lord Camden was made lord chancellor in the room of lord Northington, who exchanged the wool-sack for the president's chair. Many other changes were made at the same time, and soon after in all the different departments of administration; and none, perhaps, excited more surprise, than the restoration of the privy seal of Scotland to Mr. Stuart Mackenzie.

C H A P. IV.

I. *Alarming Scarcity of Provisions.* II. *Conduct of the Ministry on this Occasion liable to some Censure.* III. *Great Dispute between the Proprietors and the Directors of the East India Company.* IV. *Birth of the Princess Royal, and Carolina Matilda's Marriage to the King of Denmark.* V. *Substance of the King's Speech at the Meeting of Parliament.* VI. *The Cause of Freedom and the Constitution very ably defended by Lord Mansfield in the Debate on the Bill of Indemnity.* VII. *Expedients adopted by the Legislature for reducing the high Prices of Provisions.* VIII. *Reduction of the Land-tax to three Shillings in the Pound carried against the Minister; with other Proofs of the Decline of Lord Chatham's Popularity and Influence.* IX. *The India Company's Right to territorial Acquisitions debated with great Warmth and Contrariety of Opinion.* X. *Proposals of the Company for an Accommodation accepted.* XI. *Bill for regulating India Dividends.* XII. *Duties laid on certain Imports from Great Britain to America; and Measures taken to restrain the factious, turbulent Spirit of the Assembly of New York.* XIII. *Particular Acknowledgements made by the King at the Close of the Session for the Annuities settled on his Royal Brothers.* XIV. *Duke of York's Death on a Tour to the Continent.* XV. *Charles Townshend suddenly cut off by a putrid Fever.* XVI. *Compliment paid to his Memory by one of the Secretaries of State at the Meeting of Parliament.* XVII. *Petitions for the Relief of the Poor; and the consequent Renewal and Amendment of the Provision Bills.* XVIII. *Some Changes in the great Offices of the State, but without any general Disarrangement.* XIX. *Extraordinary Persecution of the Jesuits.* XX. *Causes of their Expulsion from Portugal.* XXI. *They incur the like rigorous Treatment in France.* XXII. *A mortal Stab given to the Existence of the Society in the Spanish Dominions.* XXIII. *Prohibitory Edicts issued against them by most of the Catholic Powers of Europe.* XXIV. *Final Abolition of the Order by a Protestant Pope.* XXV. *Inauspicious*

picious opening of the New Year with Disturbances and Riots. XXVI. Ways and Means for the current Service. XXVII. Act for continuing the Restriction on East India Dividends carried, though not without a strenuous Opposition; and the Ministry very closely pushed on the Nullum Tempus Bill. XXVIII. The Mayor and principal Members of the Corporation of Oxford reprimanded for Venality; and the Conduct of the University in the Choice of its Representatives held out as an Example worthy of general Imitation. XXIX. A few Remarks on his Majesty's Speech to both Houses, previous to the Dissolution of Parliament. XXX. Lord Townshend's Popularity in Ireland considerably increased by the Octennial Bill.

I. THOUGH the general tranquillity of Europe still remained undisturbed by the spirit of intrigue, or by the rage of conquest, some of its finest countries were severely afflicted by calamities of another kind. The irregularity and inclemency of the seasons for a few years past had occasioned an uncertainty and great deficiency in the crops of different districts; and were it not for that happy effect of navigation and commerce, by which the wants of one nation are supplied from the superabundance of another, famine would have thinned the race of mankind in many places. Italy in particular had suffered extremely; and even England, which usually supplied its neighbours with immense quantities of grain, and allowed a considerable bounty on the exportation of it, was now threatened with an alarming scarcity. So wet a summer as that of the present year had not been remembered in this country. From the month of March to the month of August, there were not two days of dry weather in succession. The corn harvest, of course, was very much injured; and the distresses of the poor from the high prices of that and of every other article of subsistence became uncommonly urgent. The language of complaint was soon followed by riots and tumults, which the populace are too apt to look upon as the only means of alleviating every evil,

or redressing every grievance. At first, they only undertook to lower and regulate the markets, and to punish certain individuals, who, they imagined, had contributed to their calamities by engrossing, and other practices for enhancing the price of provisions beyond their just rate. But they did not long confine themselves to these objects. Heated by mutual commotion, they proceeded to the most enormous excesses: much mischief was done, and many lives were lost in various parts of the kingdom. The magistrates being at length obliged to call in the military to the aid of the civil power, the rioters were dispersed, and the jails were filled with prisoners. Judges were in consequence dispatched with a special commission to try the delinquents, several of whom were condemned to die. A few of the ringleaders suffered as examples; but the sentence of the majority was mitigated to transportation, and many received a free pardon.

II. The conduct of the new ministry on this occasion was far from being politic or judicious. On the eleventh of September, the privy council issued a proclamation for enforcing the laws against forestallers, regrators, and engrossers of corn; a measure that countenanced the absurd ideas of the mob, by declaring that scarcity to be artificial, which was but too natural. Besides, the laws in question were so dark in their construction, and so difficult in the execution, that little effect could be expected from this step but that of banishing dealers from the markets, and increasing the evil which it was intended to remedy. This truth was so well understood that very little regard was paid to the proclamation; and the frivolous expedient fell to the ground. The price of corn still increasing, another proclamation was issued on the twenty-sixth of the same month, laying an embargo on the exportation of wheat and flour, and prohibiting the use of that grain in the distilleries. This proclamation was certainly much better adapted to its end than the former, but much more doubtful in point of law. Wheat had not yet reached the price, under which

which it might be legally exported. No authority, therefore, but that of the whole legislature, could in this case lay a constitutional embargo on it. By way of excuse for dispensing with a positive law, it was stated in the proclamation, that his majesty had not an opportunity of taking the advice of his parliament speedily enough upon such an emergency to stop the progress of the mischief. But the privy council had destroyed the validity of this plea, by proroguing the parliament, which was to have met on the sixteenth of September, till the eleventh of November. As they had received the fullest information on the subject of a probable scarcity, in the beginning of August, there was sufficient time to give the members of both houses the usual notice, commanding their attendance in September, and a short session would have prevented every appearance of necessity for the ministers to commit an illegal action.

III. Some other events took place before the meeting of parliament, which, as well as the former, engaged in a greater or less degree the attention of both houses. The most important of these were the debates and resolutions of the proprietors of East India stock. They had long expected, in consequence of the flourishing state of their affairs abroad, that a larger dividend would be declared by the directors; and that all the members of the company should enjoy a share of those sweets which were the consequence of their foreign success, and which they saw hitherto entirely engrossed by their servants. This seemed to them the more reasonable as the dividend then stood at six per cent, the lowest point to which it had ever been reduced at the most critical period of the war. In their opinion, such a small dividend agreed but ill with a great revenue and its promised stability, and intended to create an artificial fall in the price of stock, to the great loss of the present possessors, and to the advantage of future adventurers. These inclinations of the proprietors did not by any means coincide with the sentiments of the directors. While the greatest part of the former considered only the successes of the
com-

company, the directors saw nothing but its debts. Two factions arose upon this subject, the one for increasing the dividend, the other for keeping it at the same standard. It was intended by the former, that, if the directors did not voluntarily declare an increase of dividend at the midsummer court, to put it to the question, and have it decided by the majority of the proprietors present. As this intention was publicly known, its success was sufficiently guarded against and prevented. At the opening of the court, a friend of the directors made a motion for increasing the dividend to eight per cent, which being disapproved, he immediately withdrew it, and thereby put it out of the power of the proprietors to bring on the subject again at that meeting, such a procedure being contrary to the established forms of the court. The address that was shewn in this transaction did not protect it from censure: the conduct of the directors was scrutinized with great severity: the supposed motives to it were laid open; and the public papers being made the instruments of attack and defence, the contest was for some time carried on with great animosity, each party accusing the other of the most corrupt designs, and of misrepresenting, for private purposes, the real state of the company's affairs. This course of altercation was productive of consequences which were then but little foreseen. Every thing relative to the company was now laid before the public: the exact state of their immense property became known to all persons: their most private secrets were unveiled: their charters, their rights, their possessions, their opulence as a distinct body and their utility to the state were become matters of general speculation and inquiry. As the Michaelmas quarterly meeting approached, at which there could be no doubt but the great object of dispute between the contending parties would come again upon the carpet, it was previously whispered about by the friends of one of them, that government intended to interfere, and had absolutely forbidden any increase of dividend, denouncing threats against the company which
struck

struck at its existence. A report of this sort excited a variety of conjectures; but most people looked upon it as a trick to answer the purposes of the directors. All doubt was removed at the opening of the general court on the twenty-fourth of September. A message in writing from the first lord of the treasury and some other of the ministers was read, setting forth, "That as the affairs of the East India company had been mentioned in parliament last session, it was very probable they might be taken into consideration again: therefore, from the regard they had for the welfare of the company, and that they might have time to prepare their papers for that occasion, they informed them, that the parliament would meet in November." Letters were at the same time read from lord Clive, and from the secret committee at Bengal, which not only confirmed, but exceeded the accounts that had been formerly received of the great wealth of the company, the extension of its trade, and the firm basis on which, as far as human foresight could judge, its security was now established. The directors still opposed an increase of dividend; and, upon a motion being made for advancing it to ten per cent. from the ensuing Christmas, they insisted upon a ballot, by which the decision was evaded for a day or two, but was at length carried against them by a considerable majority. Some of the proprietors, however, thought their success in this contest was purchased at too dear a rate, by having drawn upon themselves the eyes of the ministry. A few months more gave them an earnest of what they so justly apprehended.

IV. The air of seriousness, which a variety of weighty concerns had lately diffused over the nation, was for a little time enlivened by some pleasing occurrences at court, the birth of a princess royal, and the nuptials of the princess Carolina Matilda. The first took place on Michaelmas day, between six and seven o'clock in the morning; and, at noon, her majesty's safe delivery was announced to the public by the firing of the Tower guns, by the ringing of bells, and other demonstrations of joy.

The ceremony of the princess Carolina Matilda's marriage to the king of Denmark was performed on the first of October by the archbishop of Canterbury, the duke of York being proxy for his Danish majesty. Next morning, the young queen, accompanied by the duke of Gloucester and a numerous train of attendants, set out from Carlton-house for Harwich, there to embark on board the yacht designed to convey her to Holland. She did not reach Denmark till the beginning of November, on the eighth of which she made her public entry into Copenhagen, when the nuptial ceremony was renewed with extraordinary splendor and magnificence. The satisfaction expressed at the time by the subjects of both crowns, from an idea that the alliance between them would be greatly strengthened by an additional tie of so agreeable a nature, was soon converted into the most painful disappointment. In little more than five years after, the amiable Carolina Matilda fell a victim to the malice of a party, and to the wicked intrigues of the queen dowager, who imposed upon her unsuspecting innocence, and artfully led her into measures which were made the grounds of the most infamous reproach and crimination.

V. At the meeting of the parliament on the eleventh of November, the king, in his speech to both houses, observed that the high price of wheat, and the extraordinary demands for it from abroad, had determined him to call them together so early: he took notice of the urgent necessity that occasioned an exertion of the royal authority, for the preservation of the public safety, by laying an embargo on wheat and flour; and he recommended the due consideration of farther expedients to their wisdom: he expressed his concern at the late daring insurrections; and added, that no vigilance and vigour on his part should be wanting to bring the offenders to justice, and to restore obedience to law and government. His majesty concluded with a few very concise remarks on the late commercial treaty with Russia, on the marriage of his sister to the king of Denmark's,

mark, on the supplies for the current service, and on the continuance of the former pacific posture of affairs in Europe. The usual motion for an address being made in both houses, various amendments were proposed, reflecting on the late conduct of the privy council; but were rejected. This, however, did not supersede the necessity of bringing a bill into parliament to indemnify all persons who had acted in obedience to the order of council for laying on the embargo. Nobody denied the expediency of such a restraint at the time: it was the *mode* of the transaction which deserved censure, as by it the crown seemed to assume and exercise a power of dispensing with the laws,—one of the grievances so expressly provided against at the revolution.

VI. Those, who conducted the ministerial business in the house of commons, gave but little opposition to the bill, when it was suggested to them: a principal servant of the crown brought it in; and there appeared, on this occasion, plain marks of some disagreement in opinion among the ministry. The first form of the bill was found to be defective: it provided for the indemnity of the inferior officers who had acted under the proclamation, while it passed by the council who advised it; and it had not a preamble fully expressive of the illegality of the measure. In these respects the bill was amended, and made perfect. But this produced much altercation, especially in the house of lords, where to the astonishment of most people, the newly created earl of Chatham, and lord Camden, the chancellor, opposed the bill, and vindicated the late exertion of prerogative, not only from the peculiar circumstances that seemed to influence it, but as a matter of right, asserting that a dispensing power, in cases of state necessity, was one of the prerogatives inherent in the crown. This desertion from the side of liberty, to principles so directly opposite, gave a mortal stab to the popularity of those occasional patriots. The fallacy of their pretexts, as well as of their reasonings, was exposed, and the cause of freedom and of the constitution was ably supported by lord Mansfield, lord Tem-

ple, and lord Lyttleton. The real motives for the late exertion of power were first inquired into ; and then the doctrine of a dispensing power in such cases was very forcibly attacked. " So early as the month of August," said the advocates for the bill in their reply to the ministerial orators, " you received authentic intelligence of the state of the harvest, the quantity of corn in the kingdom, and of the increase of its price. You then must have had as clear an idea of all the probable consequences as at any time after that period. Why then did you not issue a proclamation for parliament to meet on the sixteenth of September, the day to which it was prorogued ? You had it in your power to give the members above thirty days notice ; and the calamities which threatened the poor might have been averted, without a breach of the constitution. Instead of this, when their distresses were risen to the highest pitch, you issued, on the tenth of September, a proclamation against forestalling, which could not give them the smallest relief ; and, on the same day, you prorogued the parliament for two months longer, thus precluding the king from availing himself of their advice or assistance in any emergency. Yet you assign the impossibility of convening the parliament as the motive for issuing, in sixteen days after so extraordinary a prorogation, an illegal and unconstitutional order for an embargo. Is it not plain then, that you yourselves are the authors of all those evils, which you say could not be remedied but by the exercise of the dispensing power ?—You go farther, and you attempt to justify such censurable conduct on the principle of necessity, that odious and long exploded principle, by which all the evil practices in the reigns of the Stuarts were defended. If the plea of necessity is admitted, and the crown allowed to be the sole judge of that necessity, the power would be unlimited ; because the discretion of the prince and his council might apply it in any instance, so that discretion would degenerate into despotism. For this reason, the wisdom of the legislature has deprived the crown of all discretionary power over positive laws, and has

has emancipated acts of parliament from the royal prerogative. The power of suspension, which is but another word for a temporary repeal, resides only in the legislature, the supreme authority of the realm.—The recess of parliament, or the inconvenience of assembling it, are distinctions unknown to the constitution. The parliament is always in being:—its acts never sleep: they are not to be evaded by flying into a sanctuary—no, not even that of necessity:—they are of equal force at all times, in all places, and to all persons.—The law is above the king; and he, as well as the subject, is as much bound by it during the recess, as during the session of parliament.—If the crown has a right to suspend or break through any one law, it must have an equal right to break through them all.—No true distinction can be made between the suspending power and the crown's raising money without the consent of parliament. They are precisely alike, and stand upon the very same ground. They were born twins, lived together, and together it was hoped they were buried at the revolution, past all power of resurrection.—Were the doctrine of suspension, under the pretence of necessity, once admitted as constitutional, the revolution could be called nothing but a successful rebellion, or a lawless and wicked invasion of the rights of the crown; the bill of rights would become a false and scandalous libel, an infamous imposition both on prince and people; and James II. could not be said to have abdicated or forfeited, but to have been robbed of his crown.” By such arguments, and others of the like spirit and tendency, did lord Mansfield in particular combat the ill-advised stretch of the prerogative, and reduce the apologists for the measure, however great their ingenuity and eloquence, to the impossibility of a reply. The bill was passed, highly to the satisfaction of the public; and a new proof was given to the admirers of the British constitution, that nothing less than a law could protect from due punishment the framers, advisers, or executors of an illegal act.

VII. While the parliament discovered so much vigilance in guarding the constitution against any encroachment, even under the most popular pretence, they were not less attentive to the national distress, on account of which the laws had been dispersed with. On the first day of the session, an address was presented to the king to continue the embargo; and a bill was on the same day brought in for prohibiting the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also the extraction of low wines and spirits from wheat and wheat-flour. Four other bills, having for their object the reduction of the high prices of provisions, by encouraging the importation of salted meat and butter from Ireland, of wheat and flour, not only from America, but from any part of Europe, and of oats and oat-meal, rye and rye-meal, from any quarter, all duty free, received the royal assent by commission on the sixteenth of December, when both houses adjourned till January.

1767. VIII. Among the affairs which came before parliament after the recess, there was one article of the supplies, in the debate on which the chancellor of the exchequer was left in a minority. It had been hitherto usual to take off, on the return of peace, any addition that happened to be made to the land-tax for carrying on the war. But as the enormous expences incurred in the late contest with so many powers were already a heavy burthen on the manufacturing part of the nation, it was thought more prudent to continue the land-tax at four shillings in the pound, than to increase the distresses of the poor by taxing the necessaries of life. Hence the whole land-tax began to be considered as a part of the settled revenue that was to answer the current services of the year. It was then to the great surprise of the ministers, that a resolution passed the house, supported by a considerable majority, which reduced the land tax to three shillings in the pound. This was the more noticed as being the first money-bill, in which any minister had been disappointed since the revolution. It considerably damped the warm hopes that had been formed, in the beginning,

ginning, of the strength and consistence of the new administration, which, it was supposed, would prove irresistible, as acting under the auspices of the earl of Chatham. But this noble lord had lost much of his popularity without doors, and of his influence within, by many parts of his late conduct. He had disgusted by his overbearing manner the most respectable and powerful men of every party; and he had sunk greatly in the public estimation by his acceptance of a peerage, and by his having first advised, and afterwards defended, upon unconstitutional grounds, the exercise of the dispensing prerogative. Feeling, though too late, the want of additional support, he made several attempts in the course of the winter, by offers and concessions not much to his honour, to gain over, or to divide the Bedford or the Newcastle interest. But the most that he could obtain from the former was a temporary neutrality*. Agitated by

* In the beginning of October, the earl of Chatham and the duke of Bedford being both at Bath for the benefit of their health, an interview took place at the desire of the former, who declared, "that he should be particularly happy to see the king's administration countenanced and supported by his grace's approbation and interest;" and then added, "that he would frankly lay before his grace the principal measures he intended to pursue; which were, first, to keep the peace inviolate, and to take care that others did the same: secondly, to enter into no continental connections, nor make any subsidiary treaty with any European power: and thirdly, to observe such a strict and rigid oeconomy as should command the approbation of the most frugal member of parliament." The duke replied, "that these were the very measures for which he had always contended: they were *his* measures, and he would certainly support them, whether his friends were in, or out of office."—The amicable termination of this conference, which was understood to be only a prelude to another, accounts for the neutrality of the Bedford party at the meeting of parliament. Lord Chatham's next step was an attempt to separate the Newcastle from the Rockingham interest; for which purpose he very ungraciously deprived lord Edgcumbe of his staff as treasurer of the household, and

by contending passions, he at length became the prey of grief, jealousy, vexation, disappointment; and fell into so bad a state of health, that he was obliged to relinquish all attention to business. It is therefore no wonder that he and his colleagues, when they lay almost constantly at the mercy of their opponents, should have hobbled through this session with the most awkward inconsistency.

IX. The want of harmony and decision in the cabinet was still more evident, when the East India affairs were brought forward for the consideration of parliament. A committee of the house of commons had been appointed in November to look into the state and condition of the company. Copies of their charters, their treaties, and their correspondence, as well as exact accounts of their revenue and of the expences incurred by government in their behalf, were called for and became the subjects of a rigorous scrutiny. In the course of this business, violent debates frequently arose, in which the principal servants of the crown did not appear to act upon any regular or settled plan. An order was at length made for printing the East India papers; but it was afterwards countermanded, at the instance of the directors, who presented a petition setting forth the ill consequences that would probably attend the printing of the private correspondence between the company and their servants. The and gave it to Mr. Shelley. But the harshness of lord Edgumbe's dismissal, which was even accompanied with an insulting defiance of his parliamentary connections, cemented the union of the two parties whom the minister wished to divide, and provoked their resentment. The duke of Portland, lord chamberlain, sir Charles Saunders, first lord of the admiralty, the lords Scarborough, Beiborough, Monson, sir William Meredith, admiral Keppel, and several others immediately resigned; and though lord Chatham hoped to supply this desertion of his late friends by his intended coalition with the Bedford party, when he came to lay before the duke his ultimate plan of measures and arrangements, new obstacles arose, and the negotiation was abruptly broken off.

next question, which was agitated with increasing violence and diversity of sentiment, was the company's right to their territorial acquisitions. Some contended, that they had no right by their charters to any conquest; that such possessions in the hands of a trading corporation were improper and dangerous; and that, if it were even legally and politically right that they should hold these territories, yet the vast expenditure of government in protecting them gave it a fair and equitable title to the revenues arising from the conquests. Those, who maintained the rights of the company, denied that any reserve of conquests had been made in their charters; and as these were fairly purchased from the nation, and confirmed by act of parliament, they said, that a violation of such a bargain would be a dangerous infringement on property and the public faith. They added, that if government had any claim to the conquests in India, the courts were open for the trial of that claim; but the house of commons was not, by the constitution, the interpreter of law, or the decider of legal rights. Though the subject was often resumed, and debated with great warmth on both sides, yet the house seemed unwilling to determine a question of so much importance; and even a few of the ministerial speakers declared against coming to any final resolutions on this head, but strenuously recommended an amicable agreement with the company.

X. In the mean time, the proprietors of East India stock had several meetings. At one of their general courts in the beginning of May, the dividend for the ensuing half year was raised from five to six and a quarter per cent. and, about the same time, a scheme of proposals for an accommodation with government was agreed to. These were laid before the ministry, who now were publicly known to have unfortunately fallen into a state of such distraction, that they had no opinions in common. Accordingly, they shifted the proposals from one to another, without coming to any determination; so that the company were obliged to state their

their offers in a petition to parliament. Two sets of proposals for an agreement to last for three years were laid before the house: by the first, the company offered, after deducting four hundred thousand pounds a year in lieu of their former commercial profits, to divide equally with government the nett produce of all their remaining revenues and trade: by the second, they engaged to pay the specific sum of four hundred thousand pounds a year during the above agreement; but, in either case, stipulating for some particular indulgence in their trade and in the recruiting service. These latter proposals were accepted by the house, with this difference only, that the agreement was limited to two, instead of three years; and a bill was drawn up and passed accordingly.

XI. But whatever satisfaction the proprietors of East India stock derived from the parliamentary acceptance of their offer, it was, in no small degree, abated by some other proceedings which took place soon after. A message from the ministry had been read at the general court which declared the last increase of dividend, recommending to the company to make no augmentation of it, till their affairs were farther considered. That message not having produced the designed effect, two bills were brought into the house, one for determining the qualifications of voters in trading companies, and the other for farther regulating the making of dividends by the East India company. Their late act was rescinded by the last of these bills; and they were tied down from raising their dividends above ten per cent. till the next meeting of parliament. The avowed ends of imposing such a restraint on them were to prevent the payment of a higher dividend than the circumstances of the company could afford, without endangering their credit; to put a stop to the fluctuation of that stock, which, if allowed to go on, was not only likely to introduce a pernicious spirit of gaming, but would also tend to keep down the other stocks, the rise of which is a great means of reducing the interest of the national debt; and to guard against the company's encroaching,
by

by any dividend, on the revenue of their late territorial acquisitions, so that the claim of the public might suffer no loss, till that affair was finally decided. The company, in order to ward off a blow which struck so immediately at their privileges, not only petitioned against this bill, but offered, in case it was withdrawn, to bind themselves from any farther increase of dividend during the temporary agreement. Their petition and their proposal were equally ineffectual. The bill was carried through, in spite of a powerful opposition, one of the secretaries of state and the chancellor of the exchequer being in the minority in the lower house, and a strong protest signed by nineteen lords, being entered against it in the upper house.

XII. Among the different expedients for raising the necessary supplies this year, which amounted to about eight millions and a half, some duties were laid upon glass, tea, paper, and painters' colours imported from Great Britain into America. These duties were equally impolitic and unproductive; but the conduct of the legislature towards one of the colonial assemblies, in another respect, was much more defensible. The factions, turbulent spirit, which the stamp act had excited there, was far from being mollified by the repeal. Not content with many private acts of outrage, and repeated marks of disrespect to government, the assembly of New York came to a resolution of paying no regard to an act of last session for providing the troops with necessaries in their quarters; but regulated the provisions according to their own fancy. This was a clear proof, that they meant to persist in disavowing the jurisdiction of the mother country. When the matter was laid before parliament, it occasioned warm debates; and some rigorous measures were proposed. The general opinion, however, was to bring them to temper and to a sense of their duty by a firm, yet moderate procedure. On this principle a bill was passed, by which the governor, council, and assembly of New York were prohibited from passing any act till they had in every respect complied

complied with the requisition of parliament: a step, which, though confined to one colony, was a lesson to them all, and shewed their comparative inferiority when brought in question with the supreme legislative power. As soon as this bill and some others of less importance received the royal assent on the second of July, the parliament was prorogued.

XIII. In the speech, with which his majesty closed the session, besides thanking the commons for the supplies they had so chearfully granted for the public service, he said, that his particular acknowledgements were due to them for the provision they had enabled him to make for the more honourable support of his family. He did not here particularly allude to the marriage portion of the queen of Denmark, because, in granting this, the commons only fulfilled their former engagements; but to three annuities of eight thousand pounds each, which were settled on his brothers the Dukes of York, Gloucester, and Cumberland, in addition to what they before received out of the civil list. It is remarkable that, on the second reading of the bill for this purpose in the house of lords, a protest was entered against it, signed by lord Temple only.

XIV. The duke of York did not live long to enjoy the liberality of parliament. Five days after the prorogation, he set out for the continent, different parts of which he had visited in the years 1764 and 1765. The courts of Brussels and France were the chief objects of his curiosity in this his last tour. He was received at both with great magnificence and politeness; and a stronger proof cannot be given of his well knowing how to return the latter than the following reply, which he made to the king of France at a grand review. "How do you like my troops?" said Lewis.—"They certainly make a fine appearance," answered the duke; "and for the sake of your majesty and my brother, I hope never to see them any where else."—During his stay at the French court, he was daily entertained and complimented by the princes, princesses, and nobility of France,

France, all of whom seemed to vie with each other in shewing him the highest honours and respect. His death is ascribed to his having over-heated himself by dancing at the chateau of a person of fashion near Toulon, and his not having immediately taken the necessary means to prevent any bad consequences. He went the same night to Toulon, and viewed the fortifications of that place next day; and though he continued to feel some disagreeable symptoms, he proceeded on the following day to Monaco, with the prince of which he had contracted a friendly acquaintance in his former tour to Italy. The exercise he took on this occasion, and the intense heat of the weather at the time increased the malignity of his fever, and soon obliged him to take to his bed. All possible assistance was given, but to no purpose. His royal highness now saw the danger of his situation, and prepared to meet it with a fortitude and resignation rarely to be found where bloom of youth and dignity of rank are united. He calmly adjusted every step to be taken by his attendants after the fatal event; gave directions how the melancholy news should be communicated to his dearest relations in England; and the very morning of his death, he dictated a letter to their majesties, to his illustrious mother, and to the royal family, desiring colonel St. John, the writer, to use the utmost dispatch, as he had but a few minutes to spare, and those to employ in still more momentous concerns. He expired about eleven o'clock in the forenoon of the seventeenth of September. His body was opened and embalmed; and was ordered by commodore Spry to be put on board the Montreal, capt. Cosby, to be brought to England. The remains of his royal highness were landed at Greenwich on the second of November, and being thence conveyed in solemn procession to the Jerusalem chamber, were privately interred next evening in Henry the seventh's chapel. Her majesty, on the same day at noon, was safely delivered of her fourth son, prince Edward; so that the affliction for the

loss of one branch of the royal family seemed to be happily alleviated by the joyful appearance of another.

XV. During the recess of parliament, another death prematurely and unexpectedly happened on the fourth of September; which, it was supposed, would have proved fatal to a weak and disunited ministry. Charles Townshend, then chancellor of the exchequer, who seemed likely by his eloquence and abilities to supply the earl of Chatham's place in the house of commons, was cut off by a putrid fever at the very moment that the increase of his influence and the critical posture of affairs began to allow the fullest scope for the perfect development of his talents and character. Mr. Burke, in one of his speeches, made a beautiful allusion to the rising effulgence of Mr. Townshend's genius and power, while those of the earl of Chatham appeared to be rapidly declining. "Before this splendid orb," said the orator, "was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant." But it was only a short hour; and the ministerial, if not the political hemisphere was for some time left in darkness by his sudden disappearance.

XVI. At the meeting of parliament on the twenty-fourth of November, when the principal point recommended to their attention from the throne was the relief of the people from the distresses occasioned by the high price of provisions, Mr. Conway, one of the secretaries of state, concluded his speech in support of the usual motion for an address of thanks, with a very high panegyric on the late Mr. Townshend's abilities, on the fertility of his resources, and the soundness of his judgment. He said that his much lamented friend had engaged to prepare a plan for the effectual relief of the poor in the article of provisions; and he had no doubt, if that great man lived, but he would have been able to perform his promise: unfortunately for the public, his plan was lost with him; it was easy to find a successor

to his place, but impossible to find a successor to his abilities, or one equal to the execution of his designs. Mr. Burke made an ingenious and sarcastic reply; but though it abounded with flowers of rhetoric, with keen strokes of wit, and subtle reasoning, it wanted some of the finest ornaments of genuine eloquence,—temper, candour, decency, and truth. The motion for the address was agreed to without a division.

XVII. A petition from the city of London was received on the same subject, complaining of the high price of provisions; gratefully acknowledging the wisdom and goodness of parliament in the acts passed last session; expressing a respectful confidence that those salutary regulations would not be suffered to expire, until the produce of the next year's harvest should be clearly known; and humbly submitting to the consideration of the house some proposals for lessening the present evils, and for preventing a renewal of them. This was followed by a petition from the mayor and burgesses of the Devises in Wiltshire, to the same purport. These petitions were severally referred to the committee of the whole house; and though the distresses stated in both were but too real, the plans proposed by the city of London for relief and prevention appeared to be very problematical. However, all the provision bills of the last session, both in regard to importation and exportation, were continued, and some of them amended; and a new bill was brought in for the importation of wheat and flour from Africa.

XVIII. Besides these expedients for lowering the high price of provisions, very little business of any particular importance was transacted by parliament before the holidays. The land-tax bill, the bill for continuing the former duties on malt, mum, cider, and perry, the mutiny bill, and some others of a private as well as public nature received the royal assent on the twenty-first of December; after which the house of lords adjourned to the twentieth, and the commons to the fourteenth of January. This recess afforded leisure for completing several changes that were already begun, or

resolved upon, in the great offices of state, without any general disarrangement of the ministry, which seemed likely to increase their stability and influence. The Bedford party, to whom some overtures had been made by lord Chatham, but without any decisive effect, were at length gained over; in consequence of which lord Gower was induced to accept the president's chair, now cheerfully resigned by the earl of Northington, whose age, infirmities, and long services gave him just claims to retirement. Lord North had been promoted some days before, to the late Charles Townshend's place as chancellor of the exchequer; and Thomas Townshend junior succeeded lord North in the office of joint paymaster of the forces. Lord Weymouth was soon after nominated secretary of state for the northern department, in the room of general Conway, who was raised to a higher rank in the military line; and the earl of Hillsborough was appointed to the new office of secretary of state for the colonies. Of the other promotions none was sufficiently important to deserve particular notice, except that of Charles Jenkinson, who was made a lord of the treasury in the room of Thomas Townshend, and who has since been so eminently distinguished not only by his wisdom in council, and his eloquence in debate, but by his having exerted his uncommon talents on objects of the most lasting benefit to his country,—the improvement, extension, and security of its commerce.

XIX. However earnestly the mind of the English reader may be bent upon the detail of domestic occurrences, it would be almost unpardonable to close this year's history without taking some notice of the expulsion of the jesuits from the Spanish and Neapolitan dominions,—an event, not more extraordinary in its nature, than unexpected at the time, and unforeseen by the sufferers. The whole world beheld with amazement a nation not only the most violently attached to the Roman catholic religion, but also to the principles, interests, and views of the court of Rome, suddenly destroy, and almost totally annihilate a religious order, which had

had its birth and nurture in itself, and was eminently distinguished as the principal strength and support of the papal power. This order, which had so long ruled the cabinets, and guided the consciences of kings,—which had extended its influence into every quarter of the globe,—and which had great possessions and still greater connections in the very country from which it was proscribed,—now saw its unhappy members fugitives, outcasts of mankind, refused admittance by almost every state in Europe, wandering about the seas, finding every port shut against them, and happy at length to find even a temporary asylum in the barren island of Corfica, or on the burning rocks of Malta. Though the least warning was not given of this revolution in Spain and Naples, yet it was preceded by some shocks, which the same society met with in other popish countries, and which proved to be the forerunners of its final and universal extirpation.

XX. Soon after the accession of Joseph, the fifth king of the house of Braganza, to the throne of Portugal, that prince, less superstitious than most of his predecessors, banished the jesuits from his court, because their brethren in Paraguay, where they acted as sovereigns, had opposed the cession of certain territories which he had exchanged with the king of Spain. It was not long before they became objects of a much severer proscription. In the beginning of the year 1759, all their estates and effects in Portugal were sequestered; and, except a few of the leading members who were reserved for severer punishment, the society was driven out of the realm into perpetual exile, on account of its deep concern in a conspiracy against the king's life.

XXI. The next blow, which may be said to have severed one of the proudest limbs of this religious body, was struck by the parliaments of France. The jesuits had incurred their resentment in the course of a long and violent controversy with the Jansenists, and had also rendered themselves extremely odious and unpopular, not only by their doctrines, but by their interfering in

temporal concerns. During the late war, they carried on a very lucrative trade with the island of Martinico; but some of their vessels having been taken by the English cruizers in the years 1760 and 1761, the nominal proprietor became bankrupt for a considerable sum; and though, as a monk, he must have acted for the benefit of the whole society, they hoped by that artifice to elude payment. The parliaments eagerly seized this opportunity of humbling their spiritual enemies. The jesuits were every where cited before those high tribunals, in 1761, and ordered to do justice to their creditors. They seemed to acquiesce in the decision, but delayed payment under various pretences. New suits were commenced against them, in 1762, on account of the pernicious tendency of their writings. In the course of these proceedings, which the king endeavoured in vain to stay, they were compelled to produce their *Institute*, or the rules of their order, hitherto studiously concealed. That mysterious volume, which was found to contain maxims subversive of all civil government, and even of the fundamental principles of morality, completed their ruin. All their colleges were seized, all their effects confiscated; and the king, ashamed or afraid to protect them, not only resigned them to their fate, but finally expelled them the kingdom, by a solemn edict, and utterly abolished their order in France.

XXII. Still, however, the jesuits seemed to remain immoveable on their grand center in Spain. But, about the beginning of the present year (1767) a resolution was formed by the cabinet of Madrid to give the last mortal, irrecoverable stab to the existence of the whole society. The secrecy, with which all the measures leading to this event were conducted, rendered it impossible for the jesuits to entertain the least suspicion of the impending danger. On the thirty-first of March, between eleven and twelve at night, all the houses belonging to them in Madrid were surrounded by large detachments of regular troops. The outside doors having been forced open, the bells were immediately secured, and a sentry was

was placed at the entrance of each cell. When every necessary precaution was taken, the jesuits were called out of their beds, and being assembled, they were acquainted with the king's orders, commanding their immediate departure for the papal dominions, and were then assisted in packing up such things as were deemed requisite for their journey. In the mean time, all the hired coaches and chaises in the city, together with several waggons had been secured and distributed in proper places; so that the condemned exiles were sent to Carthagená early in the morning, under a strong and numerous guard. The whole was effected with such little noise or disturbance, that the inhabitants knew nothing of what passed, till they heard it to their great surprise when the affair was entirely over. On the third day after, in the morning, the same measures were put in execution at the same hour against the different colleges of the jesuits throughout the rest of the kingdom. Ships were also provided, and the prisoners were conveyed to Italy. As the like rigour was to be enforced in every part of the Spanish dominions abroad, as well as at home, strict orders were sent to the sea-ports, to examine all persons who should attempt to take their passage to America and the West Indies, and to keep the strictest watch that no jesuit in disguise should make his escape that way. By these means, any intelligence of what was transacting in the mother country was prevented from reaching the colonies, till the jesuits in Mexico, Peru, and the southern provinces were suddenly arrested, and brought home to the ports of Old Spain, to be sent after their brethren.

XXIII. The treatment, which this ill-fated society soon after met with in the kingdoms of Naples and Sicily, and in the duchy of Parma, was equally severe. They were stripped of their effects and possessions, and were then escorted to the confines of the ecclesiastical state. Such an inundation of strangers spread a general alarm, especially as the scarcity of corn there for some years past had been so great, that it was with the utmost
care

care and difficulty the inhabitants could guard against a famine. The pope, therefore, though strongly attached to their order, was obliged to forbid their reception in his territories; and prohibitory edicts to the same effect were issued by most of the catholic powers of Europe. About two thousand of those fugitives, who at first found a miserable retreat in Corsica, were driven thence a few months after; and to crown their disgrace and persecution, they were, last of all, proscribed at Malta, even though the sovereignty of it is vested in another religious order: so that there is scarcely an instance in history of any body of men so entirely cut off and separated from the rest of the human race.

XXIV. But the vengeance of the princes, whose resentment the jesuits had provoked by their conspiracies, or whose avidity and jealousy they had excited by their wealth and power, was not yet sated. Urgent solicitations were made to the pope for the utter abolition of their society; and in order to enforce his compliance, Avignon was seized upon by France, and Benevento by Naples. Clement XIII. persisted in a peremptory refusal, and thereby involved himself in a variety of disputes with most of the princes of his own communion. These disputes were terminated only by his death. The like applications were renewed to the famous Ganganelli, who succeeded to the papal chair in 1769. He also at first refused, declaring that he could neither blame nor annihilate an institute which had been applauded and confirmed by nineteen of his predecessors: But this protestant pope, as Ganganelli was called on account of the liberality of his sentiments, did not continue so inflexible as the deceased bigot. In the year 1773, he issued a bull for abolishing the order of jesuits, charging them with having adopted opinions scandalous, contrary to good morals, and of dangerous import to the church, and to all Christian states.—Any reflections, however naturally excited by so remarkable an event, would lengthen too far this digression from the

proper

proper objects of English history, to which it is now, therefore, necessary to return.

1768. XXV. The new year inauspiciously opened with a specimen of that turbulent spirit, that disregard of legal authority, which, for want of being vigorously repressed and severely punished on its first appearance, continued during the whole year to spread itself with unparalleled audacity, till the utmost exertions of the civil power, aided by the military, were hardly sufficient to check its progress. In consequence of those jealousies which often prevail between persons engaged in different modes of executing the same manufacture, a violent animosity had subsisted between two classes of journey-men silk weavers, the one denominated *engine-loom*, and the other *single-handed* weavers. A large body of the former well-armed, having assembled on Sunday evening, the third of January, in Bishopsgate-street, proceeded to the houses of many of the latter, vowing vengeance against them for the destruction of their engine-loom in a scuffle where the *single-handed* weavers had the superiority. The party of assailants set no bounds to their fury on this occasion: they not only broke open doors and windows, but fired into several houses, wounding different persons, and dragging forth the objects of their resentment, whom they resolved to keep in custody, as if authorised by lawful warrants for that purpose. But most of their prisoners found means to escape in the night. Three only remained, who were carried like offenders, next morning, before the sitting magistrates at the rotation-office in Whitechapel, and there charged with having been concerned in destroying some of the engine-loom weavers' works. Whether this charge was true or false, it should not have been then attended to; but as the steps taken to bring them to justice were a much more dangerous breach of the peace, and a more flagrant violation of the laws than the alledged crime, the riotous complainants ought to have been immediately committed, and punished with exemplary rigour. Instead of this, the magistrates, frightened at the increase

of

of the mob during the examination, sent for a party of the guards; and then, without taking any cognizance of the real offenders, obliged the three poor men, who had been dragged before them by a direct usurpation of the executive power, to give bail for their appearance to answer the above charge at the ensuing sessions. Such ill timed lenity to the rioters, or rather such a cowardly connivance at daring acts of outrage, must have operated as a strong encouragement to farther disorders. The metropolis, for several months, exhibited nothing but scenes of tumult and confusion. Gangs of sailors, coal-heavers, sawyers, hatters, the idle and the profligate of every description kept up an almost constant alarm: many lives were lost, and property was often destroyed with impunity upon those occasions. The remissness, or timidity of the magistrates in the first instances, and the coming on of a general election, which unavoidably tends to relax the civil power, gave full scope to the licentiousness of the rabble, and rendered it at length necessary to apply the most violent remedies to so violent a distemper.

XXVI. When the parliament met after the holidays, the chief objects of attention were the provisions for the supplies granted to his majesty, as the land tax, and the malt and cider duties were the only parts of the ways and means which had been resolved upon before Christmas. The estimate of the supplies somewhat exceeded eight millions. In addition, therefore, to the former resources, and to the annual four hundred thousand pounds from the East India company, a loan of one million nine hundred thousand pounds was found necessary, of which six hundred thousand were to be raised by a lottery, and the remainder by redeemable annuities at three per cent. The interest of this new loan was charged on the sinking fund, out of which two millions and a quarter were also to be issued for the service of the current year; besides one million eight hundred thousand pounds, which were to be raised by exchequer bills, chargeable on the first aids of the next session.

XXVII.

XXVI. The act restraining the dividends of the East India company being now expired, a bill was brought in to continue the same restriction for the ensuing year; and though it was violently opposed in both houses, it was carried the second time by a very great majority. But the ministry were more closely pushed on another point, which was introduced into the commons, under the title of the *nullum tempus* bill *, for quieting the possessions of the subject, and securing them from all obsolete claims, particularly those of the crown, against which it was held to be a maxim of law, that no prescription could be pleaded. The bill originated in a litigation between the Bentinck and the Lowther families, who have at different times opposed one another with implacable enmity, from a violent and almost frantic ambition to give the law in the county where the principal estates of both are situated. The former had, in consequence of a grant from king William, possessed the Honour of Penrith in Cumberland and its appurtenances, about seventy years. The forest of Inglewood and the manor and castle of Carlisle were also enjoyed by the same family for several descents, under the same supposed tenure, though not particularly mentioned in the grant. This omission was, indeed, ascribed to a stroke of Dutch policy in king William, who having experienced the jealousy of the parliament and people of England on every mark of partial regard which he shewed to his countrymen, might not chuse to excite fresh clamours by too ample a specification of terms in a grant to his favorite. However that may have been, sir James Lowther, who was well informed of the omission, applied to the lords of the treasury for a lease of the premises in question, which he obtained in consequence of the sur-

* It took this title from the old maxim, which the proposed bill was intended to overturn, "*nullum tempus occurrit regi*," no time is a bar against the claims of the crown. The object of the bill was to make sixty years possession of any estate an effectual bar against all dormant claims and pretences whatsoever.

veyor general's report, that the said premises were not conveyed by the grant from king William to the first earl of Portland, but were still invested in the crown. In the debate to which this incident gave rise, the ministerial speakers defended the conduct of the treasury board with great plausibility. They asserted that the premises in question were no part of the Honour of Penrith, and that they were neither specified nor understood in the grant: that the right being certain, it was no more a fault in the crown, than it would in a private person, to assert it: that it would be happy, if many such resumptious were made to ease the burdens of the people: that the founder of the Portland family and his successors were sufficiently compensated for any services he had performed to the nation; and that after seventy years' possession of an estate to which they had no right, they might contentedly resign it to the true owner, when there was no demand made upon them for the past issues. The surveyor general's report they looked upon as conclusive, particularly as the duke of Portland had not been able to produce any title, though sufficient time had been allowed him for that purpose. But notwithstanding these and many other specious arguments, the revival of the dormant prerogative of resumption appeared so alarming, because a vast number of estates might, from the loss of authentic deeds, be liable to similar claims, that it was with great difficulty, and by a majority of twenty voices only, that the ministry could obtain a postponement of the bill till the ensuing session*.

XXVIII. Another circumstance occurs in the proceedings of the house of commons at this period, which may be thought worthy of notice, as it affords an instance of plain dealing on the part of a venal body of electors,

* Sir James Lowther derived very little advantage from this delay, as the grant, which had been made to him, was afterwards judged invalid by the barons of the exchequer, the reserved rent, on which he obtained the lease from the crown, being less than one third of the clear yearly value of the premises, contrary to an express statute, enacted in the reign of queen Anne.

which

which has been seldom paralleled. The mayor, bailiffs, and principal members of the corporation of Oxford had written to their representatives, proposing to return them at the next election, upon condition that they should advance a certain sum, for paying off an incumbrance which lay heavy on the city. The letter, containing this extraordinary and bare-faced offer of prostitution, having been laid before the house, the magistrates, who signed it, were ordered to appear at the bar, and then committed to Newgate. But, a few days after, a petition was presented from the offending parties, acknowledging their guilt, expressing the sincerest sorrow for it, and begging to be released from confinement. In consequence of this petition, they were again brought to the bar of the house, and discharged, after receiving on their knees a proper reprimand from the speaker. He pointed out the enormity of their offence, and very justly observed that a deeper wound could not be given to the constitution than by such an open and dangerous attempt to subvert the freedom and independence of election. If abilities and integrity were no recommendation to the constituents; if those, who bid highest for a seat, were to supersede every other candidate; the commons, instead of being the real representatives of the people, and the guardians of liberty, would become the venal instruments of power in reducing the nation to the lowest state of misery and servitude. The speaker took notice also of two circumstances, which concurred, as he said, to give a blacker complexion to their guilt; namely, their office as magistrates, in which station it was their duty not only to keep themselves free from venality, but to preserve those under their immediate government from the contagion of that vice; and the place of their residence, where they had before their eyes the example of one of the most learned and respectable bodies in Europe, whose conduct, particularly in the choice of their parliamentary representatives, was well worthy of imitation. The compliment here paid to the University of Oxford is founded in the strictest truth. The mode of election there

is the most honourable, the most independent, the most guarded against undue influence that can be conceived. Candidates are permitted only to give public notice of their intentions: neither they, nor any agents for them are suffered to canvass in the University: they are not even allowed to make their appearance at Oxford, till the election is over: the whole business is conducted with as little noise, and as much decorum, as the conferring of an academical degree; and when the matter is finally decided, the successful candidates are sent for, to receive the congratulations of the University, by whose unbiassed suffrages they have been chosen, and at whose expence they are also entertained. Every real patriot would be more delighted at seeing the influence of such an example diffused throughout the kingdom, than with all the wild and dangerous projects of modern reformers.

XXVIII. As the time limited by law for the expiration of the parliament drew near, and all the public business was satisfactorily dispatched, the king, on the tenth of March, having given his assent to some private bills then ready, informed both houses of his intention forthwith to dissolve the parliament, and to call a new one. But he added, that he could not do so, without first returning them his thanks for the many signal proofs they had given of their most affectionate attachment to his person, family, and government; their most faithful attention to the public service; and their most earnest zeal for the preservation of the constitution. His majesty, at the same time, took a very delicate method of shewing how well they had deserved such acknowledgments. "When," said he, "by the vigorous support which you gave me during the war, I had been enabled, under the Divine Providence, to restore to my people the blessings of peace, you continued to exert yourselves with equal alacrity and steadiness, in pursuing every measure that could contribute to the maintenance of the public safety and tranquillity; which you well understood could no otherwise be preserved, than by establishing, on a respectable

pectable foundation, the strength, the credit, and the commerce of the nation."—Towards the close of his speech, his majesty did not forget, among many other very amiable sentiments, to express his confidence that, in the approaching election of representatives, his people would give him fresh proofs of their attachment to the true interest of their country; which, he declared, he should ever receive as the most acceptable mark of their affection to him. As soon as his majesty had ended, the chancellor, by his command, prorogued the parliament; and, in two days after, it was dissolved by proclamation, and writs were issued for electing a new one, returnable the tenth of May.

XXIX. A very popular bill was passed in Ireland this winter, and received the sanction of the crown, for confining to eight years the duration of parliaments in that kingdom, which before were determined only by the king's death. Nothing could have given higher pleasure to the great body of electors than this assurance of a more regular and frequent exercise of one of their most inestimable privileges. Lord Townshend, who was then lord lieutenant, and who had very much endeared himself to the people by the conciliating manners that adorned his private character, became in consequence of the octennial act, almost the idol of the nation. How high a value both the lords and commons set on such an acquisition to the liberty and independence of Ireland will best appear in two short extracts from their respective addresses to the viceroy, on his acquainting them with his majesty's orders for dissolving the parliament, and issuing writs for the election of another with all convenient speed. "We cannot," said the lords, "look back upon what has passed during the present session, without observing, with gratitude and pleasure, how eminently it is distinguished by the many useful bills which have received your excellency's kind countenance and assistance, and most eminently by the bill for limiting the duration of parliaments, which, having passed into a law, will for ever reflect the highest glory and

honour upon your excellency's administration."—The language of the commons was still more glowing and emphatical. "Happy," said they, "in having devoted our own existence to the liberties of our country, we find ourselves under an indispensable obligation, at our approaching dissolution, to express the warmest acknowledgements to a chief governor, in whose administration, and with whose assistance, we have been gratified with the noble opportunity of distinguishing ourselves from our predecessors, by leaving to posterity a monument of our disinterested love for the people we have the honour to represent; and an example, that the happiness of our constituents has in our own breasts taken place of every other consideration.

CHAP. V.

I. *Remarks on the General Election.* II. *Retrospective View of Mr. Wilkes's Conduct since his flight from Public Justice.* III. *Licentiousness of the Rabble on his being elected for Middlesex.* IV. *Impolitic Remissness of the Ministry during these Transactions.* V. *Mr. Wilkes's Motives for voluntarily appearing in the Court of King's Bench.* VI. *Consequences of the Order for his Commitment.* VII. *Specimen of the Incendiary Stile; and Riot in St. George's Fields.* VIII. *Proceedings in the first Session of the new Parliament.* IX. *Mr. Wilkes's outlawry reversed; the Verdicts on the former Trials affirmed; and the Spirit of Turbulence kept up by the Spirit of Delusion.* X. *Sketch of the History of Corsica till the time of its being annexed to the French King's Dominions.* XI. *Strong Reasons for the Acquiescence of the British Government in that Conquest.* XII. *Violent Opposition to the Port-duties in America.* XIII. *Lord Hillsborough's circular Letter to the Governors of the Colonies.* XIV. *Necessity of dissolving the Assembly at Boston.* XV. *Seditious Measures generally adopted throughout the Province.* XVI. *Acts of the Convention.* XVII. *Arrival of Troops from Halifax and Ireland.* XVIII. *Resignations of Lords Shelburne and Chatham.* XIX. *Speech from the Throne at the Meeting of Parliament.* XX. *Hint given of*

of the Danger that threatened the general Repose of Europe. XXI. Debate on the usual Motion for Addresses. XXII. Mr. Wilkes's Petition to the Commons; and his Appeal to the Lords on a Writ of Error. XXIII. Duke of Bedford, elected Chancellor of the University of Dublin, and the like Honour conferred on the Duke of Grafton, by the University of Cambridge. XXIV. Institution of the Royal Academy. XXV. Grand Debate on the American Affairs; with the Resolutions and Address concurred in by both Houses. XXVI. Arguments for and against the proposed System of vigorous Measures. XXVII. Intended Repeal of some of the obnoxious Duties. XXVIII. Civil List Debt. XXIX. Easy and judicious Provisions for the Service of the current Year. XXX. Hearing of Mr. Wilkes's pretended grievances. XXXI. His Prefatory Strictures on a Letter of Lord Weymouth's voted to be an insolent, scandalous, and seditious Libel. XXXII. Motion for his Expulsion. XXXIII. Striking dissimilitude of Genius and Character between Mr. Burke and Mr. Grenville, its principal Opponents. XXXIV. Substance of the Speeches of both in this Debate. XXXV. Successful Expulsions and final Incapacitation of Mr. Wilkes. XXXVI. Decision in Favor of Colonel Luttrell defended on Constitutional Principles. XXXVII. Parliament prorogued. XXXVIII. Dreadful Effects of religious Intolerance in Poland. XXXIX. Concise Account of the War between Russia and the Porte; with a memorable Instance of an English Officer's skill, intrepidity, and success. XL. Perfidious Dismemberment of Poland. XLI. The Attention of the British Government too much engrossed by domestic Struggles to admit of any Interference in the Concerns of other Countries. XLII. Effects of a War with Hyder Ally in the East Indies. XLIII. Non-importation Agreement, and other Proceedings of some of the Provincial Assemblies in America. XLIV. Contagious distemper among the horned Cattle. XLV. His Majesty's Speech at the opening of the Session in January 1770. XLVI. A few remarkable Desertions from Ministry; and the changes that followed. XLVII. Endeavours of

the great Leaders of Opposition to aggravate the Fury of Discontent among the People. XLVIII. London Remonstrance, and his Majesty's Answer. XLIX. Joint Address of both Houses on the Occasion. L. Mr. Grenville's famous Bill for regulating the Proceedings on controverted Elections. LI. Curious Extracts from Mr. de Grey's and Mr. Weddurburne's Speeches on the third Reading of this Bill. LII. Partial Repeal of the American Port-duties. LIII. Serious Affray between the Townsmen of Boston and the Troops stationed there. LIV. Debates in both Houses on the late Measures of Government with regard to the Colonies. LV. Circumstances attending an extraordinary Prorogation of the Irish Parliament.

I. **A**S soon as the British parliament was dissolved, the thoughts and business of the whole nation appeared to be confined to one object, the choice of representatives; and never, perhaps, was any general election carried on with greater heat and violence in most parts of the kingdom. The arts of intrigue, the efforts of faction, the utmost stretch of interest and authority were exerted in the contests between rival candidates. Even corruption threw off her usual disguise, and stalked forth with unblushing front and extended arm, to lead, or rather to force men away from their duty. In short, all the entailed evils of the two former reigns, which, the virtues of the present sovereign had for some time repressed, now burst forth with increased malignity, and seemed to threaten the extinction of patriotism, loyalty, and public spirit throughout the land. It would be a painful and almost endless task to enumerate all the instances of popular frenzy and of political depravity that occurred on this occasion; but one of the elections was attended with such extraordinary circumstances as to deserve particular notice.

II. It may here be necessary to remind the reader of what has been related in a former part of this work concerning Mr. Wilkes, who by his flight from public justice had provoked the severest sentence of the house of commons, and had suffered the indictments laid against him

him in the court of King's Bench to run to an outlawry. The shocking profaneness and obscenity of his "Essay on Woman," and the turpitude of his private life which was brought into notice during the prosecution, tended very much to lower him in the opinion even of the mob, and to abate the fervor of his warmest advocates. Few men were so lost to all sense of decency, as not to be ashamed of coming, as it were, into contact with such an infamous character. In this situation, an exile from his country, distressed in his circumstances, and abandoned by his party, he seemed not only totally ruined, but nearly forgotten. A sudden ray of hope shot through these glooms, on the promotion of some of his former friends to office in the marquis of Rockingham's administration. Goaded by extreme want, and encouraged by some intimations of kindness and pity, he came over to England in the summer of the year 1766. But his natural presumption, on the smallest prospect of success, defeated the whole purpose of his journey. He fancied that the men, whose cause he said he had promoted, would not dare to treat him with indifference. He therefore wished to dictate what atonement should be made him for his past sufferings, or rather on what terms the restoration of so much virtue and ability was to be purchased by his country. Such insolence met with the contempt it deserved from the marquis of Rockingham; and Mr. Wilkes found it prudent to make good his second retreat to the continent. His hopes revived, when, in consequence of lord Chatham's arrangements, the duke of Grafton was placed at the head of the treasury; but he was again disappointed, though his humble petition to the new minister to mediate his pardon from the king was written in the most abject strain of servility and adulation. The duke, it seems, paid as little regard to his fulsome flattery, as the marquis had done to his audacious menaces. Irritated by these rebuffs, he published some bitter invectives against the first lord of the treasury, and several others of his political acquaintance, upbraiding them with inconsistency in their public conduct,

duct, and insincerity in their private friendship. He seasoned the language of reproach with a strong dash of that low wit and scurrility, of which as before intimated, he was so perfect a master, and which he knew from experience, would be highly relished by the populace. He was not mistaken. They read his libels with rapture; and began to glory once more in the spirit of their old champion. The alledged desertion of his friends served also to excite their compassion: they thought his sufferings out of measure; and though it was impossible to forget the proofs which had been blazed abroad of his horrid profligacy, they looked upon the exposure of it as a part of the punishment he had incurred by his attacks on much greater delinquents. The infatuated rabble therefore longed for the return of so active an instrument of opposition to the ministry, against whom they had lately conceived some of their usual prejudices.

III. Mr. Wilkes, whose private affairs were at this time in the most desperate situation, on being informed that the tide of popularity was taking a turn so much to his advantage, determined to make a bold attempt to benefit by it, sensible that if it failed of success, the consequences could not place him in a worse state than that in which he was already. In pursuance of this resolution, he suddenly appeared in London on the eve of the general election; and though he still lay under the sentence of outlawry, declared himself a candidate to represent the city in parliament. He was received by the mob with loud acclamations, and a great majority of hands appeared in his favor; but on the poll he was contemptuously rejected*. He had no reason, however, to abandon himself to despair in consequence

* At the close of the poll, the numbers stood thus; for the lord mayor (Mr. Harley) 3729, Sir R. Ladbroke, 3678, Mr. Beckford 3402, Mr. Trecothick 2957, Sir R. Glynn 2823, Mr. Paterfon 1269, and Mr. Wilkes 1247; so that the contest in fact was between Mr. Trecothick and Sir R. Glynn.

of this first defeat. He was fully consoled for his failure in the city by a subscription which had been opened for the payment of his debts, and by the earnest he had received of the attachment of the populace. He set up immediately for Middlesex; and the electors in that county consisting chiefly of freeholders of the lowest class, he obtained a signal triumph over one of the old members*. The rabble, who had been very tumultuous during the contest, broke out into the most extravagant and lawless expressions of joy at the event. They paraded the streets of London and Westminster, compelling the inhabitants to illuminate, and demolishing the windows of such as did not do it immediately. At the Mansion-house in particular they committed great havoc, having not only destroyed the windows, but a large chandelier and some pier glasses, to the value of many hundred pounds. The lord mayor had not been very strict in repressing some little irregularities during the late election in the city: he thought that any appearance of rigour on his part might then be ascribed to his jealousy of a popular rival, rather than to his sense of duty as a magistrate. But when he perceived that his former delicacy served only to encourage more daring excesses, he exerted himself with equal judgment and vigour in quelling this spirit of outrage and violence, and re-establishing good order in the metropolis.

IV. The conduct of the ministry during these transactions was unaccountably remiss and impolitic. They had in fact no alternative left them as a plea for indecision or suspense. After Mr. Wilkes's return to England, in open defiance of the laws and of government, a pardon from the crown would have been con-

* Mr. Wilkes had 1292 votes, Mr. Cooke 827, and sir W. B. Proctor, the losing candidate, 807. Mr. Cooke was then confined with the gout; and his death a few months after gave occasion to another contest, which was attended with dreadful riots, but terminated in favor of one of Mr. Wilkes's most strenuous advocates, Mr. Serjeant Glynn, who had 1542 votes, against Sir W. B. Proctor, who had only 1278.

sidered rather as an act of weakness than of benignity. It was therefore the attorney general's duty to have him immediately taken up as an outlaw; a step that could neither have excited murmur nor surprise, as being strictly conformable to the ordinary course of justice. When confined, he could have no chance for succeeding in his election; nor is it likely that he would have made the attempt. The popularity, which he acquired or revived by appearing in public, would have been prevented; and he might have probably continued as ignorant of his influence with the people, as they would in general of the strength of their attachment to him. By neglecting at first so easy and rational a mode of proceeding, the ministry were afterwards unavoidably driven into the dangerous extremes of harshness and violence. An alarm unhappily went forth, that the constitution was wounded by the blows struck at one of the most worthless members of society; and many, who would otherwise have shrunk from the disgrace of espousing his cause as an individual, were glad of a specious pretence for making it the cause of the public.

V. On the first day of Easter term, Mr. Wilkes appeared in the court of King's Bench, to submit himself, as he pretended, to the laws of his country; but, in reality, to make an inflammatory speech against the "cruelties of ministerial vengeance," and to charge the chief justice with having caused the records to be materially altered, without which, he said, neither of the two verdicts, found against him, could have been obtained. As he was not brought legally before the court, no proceedings could then be had upon his case; but lord Mansfield took that opportunity of justifying his own conduct in having granted an order for an amendment in the information, by which the word *tenor* was substituted for *purport*, — an amendment, which his lordship declared he thought himself bound in duty to grant, and which he could not have refused consistently with the uniform practice of all the judges. Mr. Wilkes, on leaving the court, was received by
the

the surrouding multitude with loud huzzas ; but such effectual steps had been taken by the magistrates in Westminster and in the city to intimidate the disorderly, that no farther disturbance happened. It is rather probable, from the following circumstance, that the public tranquillity was greatly owing to those precautions on the part of the civil power.—An information had been given to the lord mayor, that some persons in Duke's Place were preparing to raise a mob ; upon which he ordered the proper officers to make immediate inquiry into the fact. They found strong proofs of a riotous intention ;—a blue flag with No. 45 displayed upon it ; a hanger and hatchet lying by it, as its proper accompaniments ; and two men, the most daring it may be presumed of the gang, who were left to defend their colours. A different post was soon assigned them ;—being taken before the lord mayor, they were committed to the Compter.

VI. A few days after, Mr. Wilkes having been introduced into court in a legal manner, his counsel moved that he might be admittd to bail. The judges were of opinion, that neither he nor any person wasailable after conviction ; and therefore ordered him to be taken into custody and committed to prison. But as he was going thither in a hackney coach, attended by two tipstafs, the mob stopped the coach on Westminster-bridge, and taking out the horses, drew it along the Strand and through the city to Spital-square, where they dismissed the tipstafs, and carried their favorite in triumph to the Three Tuns tavern. He took an opportunity, at a late hour, to withdraw in a private manner : and surrender himself to the marshal of the King's Bench. An immense crowd collected round the prison next day ; and it was feared that they would proceed to some outrage. They behaved, however, very peaceably till night, when they pulled up the rails that inclosed the footway ; made a bonfire of them ; and obliged the inhabitants of the Borough to illuminate their houses. On the arrival

arrival of a captain's guard of a hundred men, about twelve o'clock, they all dispersed.

VII. Mr. Wilkes was not inactive, though in a prison. He took care to feed the flame he had kindled with fresh supplies of combustible matter. His address to the freeholders of Middlesex, a week after his commitment, is a curious specimen of the *incendiary* stile. He there descants on his innocence and his sufferings; on the happy fruits which he saw his countrymen reap from his labours and persecutions; and on the still greater services he should render them, if released from confinement. He rings all the changes on the love of England and of liberty, on arbitrary power and star-chamber inquisition, those delusive sounds, with which it was his boast that he could urge on, or, to use his own words, "halloo the rabble, like so many bulldogs," to any purpose, however desperate or frantic. It was impossible to mistake the tendency of this address at such a juncture. It was published on the fifth of May, just two days before a hearing was to come on at Westminster hall respecting the errors of Mr. Wilkes's outlawry, and five days before the meeting of the new parliament. The populace behaved with tolerable decency at the trial, as their hopes were flattered by the appointment of a farther hearing the beginning of the next term; but their insatiation and violence on the other occasion, were attended with melancholy consequences. They assembled in vast multitudes round the King's Bench in the forenoon of the tenth of May, under the idea of seeing Mr. Wilkes go to the house of commons. Having waited a long time in vain, they demanded him at the prison with loud clamours, and grew very insolent and tumultuous. Some justices of the peace, who attended for the purpose of preserving good order, thought it necessary, after enduring much outrage and personal injury, to read the riot-act; on which, the mob, highly exasperated, interrupted them with showers of stones and brickbats. The tumult increased: the serious warn-
ings

ings of the law made no impression: the magistrates, and the soldiers on guard were not only set at defiance, but assaulted; till, being at length driven to the last extremity, self-defence as well as public duty compelled the troops to fire. Four or five persons were killed, and more than twice as many were wounded, at the first discharge. Upon such occasions, the innocent are unavoidably confounded with the guilty, and often fall the victims of idle curiosity and indiscretion. This is supposed to have been young Allen's fate. He had probably taken no part whatever in the affray; but happening to attract the notice of the military by his flight among some others of the run-away mob, he was pursued and shot in a hovel or cow-house belonging to his father. His unfortunate death was heightened with all the force of tragic description, to inflame the passions of the populace. The circumstances that preceded and followed it were painted in the most odious colours. No falsehood appeared too gross for vulgar credulity. It was alledged, that the justices had caused the riot by reading the riot-act, and that the military power, though kept up solely for the defence of the people, had been wilfully perverted to their destruction. A letter from the secretary at war, thanking the guards for their zeal and good behaviour in so disagreeable a service, was represented as an encouragement to farther bloodshed; and the prosecution of some of the soldiers for murder was said to be defeated by the disingenuous contrivances of government. Every effort to undeceive the public proved at that time ineffectual: prejudice and fallacy prevailed over truth and reason: the wildfire of sedition spread with almost inextinguishable fury; and the ministry seemed to stagger under an increasing load of popular odium. How far they deserved it will best appear from the above statement of facts, and from an impartial view of the subsequent parts of their conduct.

VIII. The first session of the new parliament was opened by commissioners, who informed both houses

that his majesty had not called them together at that unusual season to enter upon any matter of general business, but merely to dispatch certain parliamentary proceedings, which were necessary for the welfare and security of his subjects. The matters here alluded to were the renewal of several of the provision bills, which were near expiring. The day after the meeting of parliament, a proclamation was issued by order of the council, for suppressing riots, tumults, and unlawful assemblies. Both houses, in their joint address, returned his majesty thanks for the gracious and paternal attention he had manifested for the prosperity of his people, which had induced him to interpose his own more immediate authority for putting an end to that dangerous disturbance of the public peace, and those outrageous acts of violence in defiance of the authority of the civil magistrates, which had of late prevailed to so alarming a degree, in and near the metropolis. It was hoped that the royal proclamation would effectually prevent the continuance or repetition of such disorders for the future. But if the contrary should happen, both houses declared, that they would give their concurrence in every measure, that might enable his majesty most effectually to maintain the public authority, and to carry the laws into due execution. The perfect unanimity with which this address was agreed to by both houses, and the equally unopposed re-election of sir John Cust, as speaker to the commons, were looked upon as very fair presumptions of the strength of the ministry in the new parliament. A high, but well deserved compliment was also paid to the lord mayor of the city of London, in a vote of the house of commons thanking him "for his vigilant and active conduct, in support of the laws and preservation of the public peace during the late disturbances;" and his majesty was addressed to order a compensation to be made to some magistrates, who had suffered losses by the populace, in consequence of the spirited discharge of their duty in the riots in St.

George's

George's Fields, and other places. The provision bills, for the renewal of which the parliament had been assembled, having received the royal assent on the twenty-first of May, an end was put to the session, first by adjournments, from a proper regard to the temper of the times, and then by prorogation.

IX. The only notice taken of the imprisoned member, during this short session, was a motion made on the eighteenth, that the proper officer of the crown should inform the house, why the laws were not immediately put in force against John Wilkes, Esq. an outlaw, when he returned to the kingdom in February. But the house not appearing disposed to take cognizance of the matter, the question to adjourn was put, and carried without a division. The attorney general thereby escaped just censure for his remissness: but he was not equally successful at the second hearing on the errors of Mr. Wilkes's outlawry in the court of King's Bench, about three weeks after. All the judges, though they differed as to their reasons, concurred in the reversal of the outlawry, and the irregularity of the proceedings. The verdicts, however, which had been given against Mr. Wilkes on the former trials for publishing the North Briton and the Essay on Woman, were affirmed, the court being of opinion that the arguments urged by the prisoner and his counsel in arrest of judgment were inconclusive and frivolous. They turned upon two points, the alledged impropriety of the information's having been filed by the solicitor general, and the alteration of the record at Lord Mansfield's chambers. As to the former objection, the court observed, that the business of the attorney general, when the office was vacant, necessarily devolved on the solicitor general; and with regard to the substitution of the word *tenor* instead of *purport* in the record, it was such an alteration as every judge had an indispensable right to order, and could not refuse in the course of practice. Mr. Wilkes was therefore sentenced to pay a fine of five hundred pounds

and to be imprisoned ten calendar months, for the republication of the *North Briton**; and for publishing the *Essay on Woman*, to pay likewise a fine of five hundred pounds; and be imprisoned twelve calendar months, to be computed from the expiration of the former term. He was afterwards to find security for his good behaviour during the space of seven years. Though this sentence was certainly as mild as the malignant nature and dangerous tendency of those two publications could well admit of, it furnished Mr. Wilkes with a new subject of declamation on "the harshness, the cruelty, and illegalities of the whole proceeding." The folly of the rabble at the time could only be equalled by their licentiousness; and the riots, which a spirit of turbulence had at first excited, were kept up by the spirit of delusion. Every step taken by government for the maintenance of peace and good order was represented as a stride to arbitrary power. The ministry were even charged with secretly fomenting disturbances not only in England, but in America, in order to have a pretence for extending beyond the Atlantic the iron hand of despotism; and their unwillingness to involve the kingdom in a war with France for the relief of Corsica was ascribed to their detestation of all freemen, as well as to their pusillanimity and ignorance. The injustice of the former calumnies has been already exposed; but an inquiry into the grounds of the latter reproach will unavoidably lead to some details concerning the state of Corsica at this very interesting period of its history.

X. It had ever been the misfortune of the inhabitants of that island, or rather one of the necessary consequences of its situation, that they were in all ages a prey to foreigners. Doomed to be oppressed by every comer, their frequent attempts to recover their liberty, served only

* This first sentence was understood to imply twelve months imprisonment, as Mr. Wilkes had been confined two months before judgment was given, which the court very properly considered.

first to weaken, and afterwards to transfer them to some more powerful tyrant. After a continued series of revolutions, Corsica fell into the hands of the Genoese, about the beginning of the fourteenth century. The conduct of these republican governors was uniformly cruel, arbitrary, and impolitic; and, indeed, the history of the world will justify the remark on republics in general, that though fond of boasting of the immense advantages of freedom, they seem to think it too great a blessing to be communicated to others, and therefore exercise, wherever they prevail, the most despotic authority. Such, at least, were the ruling maxims of the Genoese with respect to their Corsican subjects for above four centuries. The latter, however, were far from being passive during so long a course of oppression. They made the most strenuous efforts at different periods to shake off the yoke, and must have finally prevailed, had not the Genoese been assisted sometimes by the Imperialists, at other times by Swiss mercenaries, and lastly by the French, in quelling the insurgents. Still the spirit of liberty remained unsubdued; and though slaughter, ruin, and desolation had often been spread over every part of the island, the Corsicans rose once more in the year 1755, and having invited Pascal Paoli, the son of one of their exiled generals, to take upon him the supreme command, they seemed resolved to establish their independency, or to terminate the struggle by a glorious death.* A desul-

U 3

tory

* It is somewhat remarkable, that the parting scene between young Paoli and his father has never yet been displayed upon canvass by any of our celebrated painters. It is a subject worthy of the first master. The venerable chief had for some years found an asylum in Naples, and there devoted himself to the education of his son, the only solace of his drooping age and misfortunes. But at his country's call, he cheerfully parted with what was dearer to him than life, and embracing the young hero with patriotic and paternal exultation, he said in broken accents: "My son, I may possibly never see you more; but in my mind I shall ever be present with you: your design is a great

tory kind of war was from that time carried on with various success. In 1764, the republic of Genoa, finding herself incapable of defending the few fortified places which then remained in her hands, entered into a treaty with France to send some battalions to secure them for four years. But before the expiration of that time, Paoli, though circumscribed in his operations by land, found means to form something like a marine force, with which he not only annoyed the trade of Genoa, but effected the conquest of Capraia, an island belonging to that republic on the coast of Tuscany. Soon after this loss, which happened in 1767, the Genoese concluded another treaty with the French king, by which they ceded to him the rights of sovereignty over Corsica, on condition of his putting them in possession of Capraia, and of his protecting their trade against the Corsican and Barbary cruisers. About the middle of the next summer, a considerable body of forces were sent from Toulon to take possession of a country, which was thus disposed of without the consent of the inhabitants. But these brave islanders were not intimidated by the number of their new invaders. At a general meeting of the whole nation, it was unanimously determined to defend their rights to the last extremity. Their subsequent exertions corresponded well with the boldness of this resolution; and the annals of mankind scarcely afford any instances of military skill and heroism superior to those which were displayed by Paoli and his adherents in this unequal contest. For almost twelve months, they withstood the full force of the French monarchy; and the conquest of the island was effected at last by the power of gold, by the treachery of some of the chiefs,—not by the sword. •

XI. It

great and noble one; and I doubt not but God will bless you in it. The little that remains to me of life, I will allot to your cause, in offering up my prayers to heaven for your protection and prosperity.”

- Paoli and about three hundred faithful associates of his fortune,

XI. It was in the midst of this struggle, which the people of England beheld with the utmost emotion, that the artful agents of faction, working upon the feelings of their countrymen, easily excited a violent outcry against what they called the supineness, the cowardice, the treachery, the belottted stupidity of government in tamely permitting the king of France to rob the Corsicans of their inalienable rights, and to overturn the balance of power by annexing to his dominions an island that would give him considerable influence in the affairs of Italy, and a dangerous extension of controul over the trade of the Mediterranean. These imputations, plausible as they appeared at first view, vanished before the light of candid and dispassionate inquiry. The heroic defenders of Corsica had certainly strong claims to the pity of a generous nation: but pity for a few brave men could hardly be deemed a sufficient motive in the eye of policy and reason for plunging half Europe into the calamities of war. As to the island itself, the acquisition seemed likely to prove rather a mischief than a benefit to France: its produce was of little value: the want of good harbours destroyed every idea of its maritime importance: so far from increasing the wealth or power of its late possessors, it had ever been considered as a ruinous appendage to the republic of Genoa: the fierce, invincible spirit of the natives, their abhorrence of the French government, and the facility with which a few of their scattered parties could harass a numerous army and elude its vengeance in their woods and mountains, were such discouraging circumstances, that nothing but the blindness and frenzy of ambition could ever have prompted Lewis to undertake fortune, cut their way through a body of four thousand of the enemy by night, and effected their escape to Leghorn in an English ship. His brother with a party of about three hundred more arrived there a few days after in another English vessel. The fugitives were hospitably received every where; and Paoli having chosen England for the place of his retreat, in the hope, as he said, of happier times, had an ample pension settled upon him by the king, as the reward of his bravery and patriotism.

the

the conquest. The loss of above ten thousand of his best troops, the expenditure of eighteen millions of livres in the first stage of the enterprise, and the necessity of keeping a large body of forces in a state of perpetual vigilance and danger, were the terms on which that silly tyrant purchased the incomplete reduction of Corsica. Was it the duty of the British cabinet to attempt to check him in the career of absurdity? Their wisdom and their patriotism would have been justly questioned, if, at any time, or in any situation, they had exposed their country to the hazards of war for an object of so little consequence; but the folly and madness of such a measure at that particular crisis were so glaring as not to admit of a serious discussion. To say nothing of the national debt, or of the prevalence of domestic feuds and cabals, the alarming symptoms of rebellion, which were now too plainly discoverable in the colonies, required all the care and exertions of administration, without provoking a rupture with any foreign power.

XII. Some notice has been already taken of the acts passed in 1767 for laying certain duties on paper, glass, colours, teas, &c. imported from Great Britain into America. Those acts, however impolitic and ill-timed before the former ill humours had completely subsided, were strictly conformable to the distinction admitted by the colonists themselves between raising money as the mere incidental produce of regulating duties, and for the direct purpose of revenue. But as soon as the doctrine was reduced to practice, and custom-houses were established in their ports for collecting those duties, they disavowed their former professions, and argued in a very different strain. "If," said they, "the parliament of Great Britain has no right to tax us *internally*, it has none to tax us *externally*; and if it has no right to tax us without our consent, it can have none to *govern*, or to *legislate for us* without our consent." This was foreseen and pointed out by the strenuous opposers of the repeal of the stamp-act; and the conduct of the Americans fully verified their predictions. The people of
Boston

Boston took the lead, as usual, in plans of resistance. They began by entering into a variety of combinations highly prejudicial to the commerce of the mother country; and among other schemes for lessening and restraining the use of British manufactures, they resolved to reduce dress to its primitive simplicity; to retrench the expences of funerals; to bring nothing from abroad which could by any means be obtained at home; and to give particular encouragement to the making of paper, glass, and the other commodities that were liable to the payment of the new duties, upon importation. These resolutions were adopted, or similar ones entered into by all the old colonies on the continent; and, in the beginning of the year 1768, the assembly of Massachusetts Bay sent a circular letter to the other provinces, proposing a common union to prevent the effect, and to obtain a repeal of the late acts, which they represented as unconstitutional, and subversive of their natural and positive rights. The same assembly discovered still stronger marks of disaffection and revolt, on hearing a letter read from lord Shelburne, one of the principal secretaries of state, to sir Francis Bernard, the governor of the colony, which contained some very severe but just animadversions on their conduct. As the debates, to which the communication of this letter gave rise, were carried on without temper or decency, the governor, finding all his efforts to mollify the refractory spirit, at that time so predominant in the assembly, ineffectual, adjourned it. In the speech, which he delivered upon this occasion, he complained greatly of some factious members, who under false pretences of patriotism, had unhappily acquired too great an influence, as well in the assembly, as among the people; who sacrificed their country to the gratification of their passions and to the support of an importance which could have no existence but in times of trouble and confusion.

XIII. Advices of all those proceedings having been transmitted to England, lord Hillsborough, the new secretary of state for the American department, wrote a circular

circular letter to the governors of all the colonies; in which his majesty's dislike to the letter of the Massachusetts assembly was expressed in the strongest terms. It was declared, that he considered it as of the most dangerous and factious tendency; calculated to inflame the minds of the people; to promote an unwarrantable combination; to excite an open opposition to, and denial of, the authority of parliament; and to subvert the true principles of the constitution: and that his majesty expected from the known affection of the respective assemblies, that they would "defeat this flagitious attempt to disturb the public peace, and treat it with the contempt it deserved, by taking no notice of it." The assemblies acted in direct contradiction to the wishes and wholesome advice of their sovereign. They expressed their approbation of the conduct of the Massachusetts, and passed several votes and resolves according with the spirit of the letter received from Boston. Some of them returned addresses to the secretary of state, boldly justifying such conduct, and animadverting on several passages, as well as on the request contained in his letter. The assembly of New York went even so far as to appoint a committee of correspondence to consult with the other colonies on the measures to be pursued in the present crisis: upon which that assembly was immediately dissolved.

XIV. Another letter of the same date (April 22) was written by lord Hillsborough to governor Bernard, in which, besides the former exceptions to the circular letter of the assembly at Boston, it was very delicately intimated, that his majesty thought some unfair means must have been employed to carry such a measure either by surprise, or through a thin house of representatives, as it departed so widely from the spirit of prudence and respect to the constitution, that seemed to have influenced a majority of the members, in a full house, and at the beginning of the session. The governor was also directed to require, in his majesty's name, that the new assembly would rescind the resolution which gave birth to the offensive letter, and declare their disapprobation of,

and

and dissent to, so rash and hasty a proceeding: but in case of their refusal to comply with his majesty's reasonable expectation, the governor had orders to dissolve them immediately, and to transmit a copy of their proceedings, to be laid before parliament. These instructions having been communicated to the assembly in the latter end of June, and the question put for rescinding the resolution of the last house, it was negatived by a majority of ninety two to seventeen.* A letter was then resolved on to lord Hillsborough, containing several strictures on the requisition made to them, which they alleged to be unconstitutional and without precedent; and intermixing some affected professions of loyalty with the strongest remonstrances against the late laws. They were also preparing a petition to the king for the removal of their governor, when they were suddenly dissolved.

XV. Previous to the dissolution of the assembly, the popular ferment was greatly increased by another occurrence which took place on the tenth of June. A sloop called the Liberty, laden with wine from Madeira, was seized under the authority of the board of customs for a false entry; and being cut from her moorings, was conveyed, by the order of the commissioners, under the guns of the Romney, a ship of war then lying in Boston harbour. A violent riot ensued, in which the mob burned the collector's boat before the door of Mr. John Hancock, the owner of the sloop; pelted the commissioners with stones; and compelled them, for the security of their lives, to take refuge at first on board the Romney, and afterwards at Castle William, a fortress on a small island contiguous to the town. The temper and conduct of the people became every day more licentious. Town-meetings were held, and a remonstrance was presented to

* In the course of the debate, one of the members of the assembly said, "when lord Hillsborough knows that we will not rescind our acts, he should apply to parliament to rescind theirs. Let Britain rescind her measures, or she will lose America for ever." Was it possible for rebellion to speak more unequivocally, except by an open declaration of war?

the governor insolently requiring him to issue an order for the immediate departure of the Romney. That republican spirit to which this colony owed its foundation, and the levelling principles in which the inhabitants were nursed, being now operated upon by the exercise of lawful authority which they called oppression, and being inflamed by the arts of designing men, who had great influence among them, they seemed equally incapable to prescribe due limits to their passions, and to preserve a proper decency in the manner in which they expressed them. Their public writers, as well as speakers, endeavoured to supply the want of wit and genius by ribaldry, and introduced a certain stile and manner peculiar to themselves, too intemperate for argument, too burlesque for serious composition.* In some of these productions, while they appeared, on one hand,

to

* The following extract from a Boston newspaper, published a few days before the town meeting at Faneuil-hall, may serve as a specimen of American wit :

“ By letters from Rhode-island we learn, that John Robinson Esq. one of the commissioners, after his late elopement, travelled very privately in bye-ways till he got to Newport, where, on Wednesday last, he made his public entry, as much to the surprise of most of the inhabitants, as if he had dropped from the clouds. It was even imagined by some of the credulous and timid, that he had been killed at Boston, and that the pale and trembling figure, presenting itself to view, was indeed but the ghost of their old friend Jack Robinson. However, the next morning was found posted up at the Swing-bridge, on the Long-wharf, an advertisement to the following purport, viz. “ This is to desire all the true sons of liberty, and none else, to appear under Liberty-tree in Newport, at eight o'clock this evening, to consult what measures are necessary to be taken with the infamous Jack Robinson, who had the impudence to make his public appearance in our streets yesterday, having, before he made his elopement, boasted among his brother commissioners, that he could be well supported in the execution of his office at Rhode-island, and be fully protected from the least insult.” At the time and place appointed, some hundreds;

not

to forget their dependance as colonies, and to assume the tone of distinct and original states; on the other, they eagerly claimed all the benefits of the English constitution and the highest rights of Englishmen, but did not recollect that it was that dependance only, which could entitle them to any share of those rights and benefits. The natural effects of such sentiments and language being justly apprehended, two regiments were ordered from Ireland to support the civil government, and several detachments from different parts of the continent met at Halifax for the same purpose. Upon the first intimations of this measure, an alarm was insidiously spread amongst the inhabitants of Boston and of the whole province, that their property, their liberties, and their lives would soon lie at the mercy of the bayonet; and that no alternative would be held out to them by the *invaders*, but servile submission or death. Under these impressions, a great multitude of people of all ranks crowded together at Faneuil-hall, the leading incendiaries having issued a summons for such a meeting. Finding that the governor would not at their desire, and without his majesty's in-

not to say thousands, assembled, and went in quest of master commissioner to the tavern, where, it was said, he lodged the night before. But after a very diligent search (not by virtue of a writ of assistance, but by candle-light) of the house, out-houses, bales, barrels, meal-tubs, trunks, boxes, packs and packages, packed and unpacked, and in short of every hole and corner sufficient to conceal a ram cat, or a commissioner, they could find neither. On this they returned peaceably to their respective habitations, without the least injury to the person or property of any man. What is become of master Jacky, we cannot yet learn. Some think he is gone to Virginia, to enquire if they will give now ten thousand pounds sterling for the beatitudes attendant more immediately on the colony where the American board is fixed, as it was given out last fall that their agent had offered it: others think he is on his return to Massachusetts,

"Where once more pent in William's castle,

"Be he shut up as if in Babilon."

instructions, convene a general assembly, they drew up a long catalogue of their pretended grievances; protested against keeping an army in the province without their consent; ordered the select-men of Boston to write to the select-men of the several towns within the province, recommending the speedy choice of committees, (another name for representatives) to form a convention; appointed Messrs. Otis, Cushing, Hancock, and Adams, their late members, to act for them in that capacity; and concluded their proceedings with a vote for a day of public prayer and fasting, and with a requisition to the people, under the pretence of an approaching war with France, to prepare arms, ammunition, and every other accoutrement necessary in cases of sudden danger. A better comment cannot be made on these transactions than in the words of the inhabitants of Hatfield, in their spirited and judicious reply to the circular letter of the select-men of Boston. After shewing the precipitancy of the steps already taken, and the inconsistency, frivolousness, and insincerity of the pretences for calling a convention, "suffer us," say they, "to observe, that, in our opinion, the measures the town of Boston are pursuing, and proposing to us and the people of this province to unite in, are unconstitutional, illegal, and wholly unjustifiable, and what will give the enemies of our constitution the greatest joy, subversive of government, destructive of that peace and good order which is the cement of society, and have a direct tendency to rivet our chains, and deprive us of our rights and privileges, which we, the inhabitants of this town, desire may be secured to us, and perpetuated to our latest posterity."

XVI. The temper and good sense, which influenced the conduct of the people of Hatfield, seemed, at that moment of infatuation and turbulence, to be confined to themselves. About a hundred towns and districts in the same province agreed to the proposal of a convention, and immediately appointed committee-men, a great

a great number of whom met at Boston on the twenty second of September. Their first act was a message to the governor, in which they disclaimed all pretence to any authority whatever; but said they were chosen by the several towns, and came freely, at the earnest desire of the people, to consult and advise the most effectual measures for promoting peace and good order, as far as they lawfully might, under the very dark and threatening aspect of public affairs: they then reiterated the detail of their grievances, and urged the absolute necessity of his convening without delay a general assembly, which they looked upon to be the only means of preventing the most unhappy consequences to the parent country and to the colonies. The governor refused to receive any message from an assembly, the legality of which he could not allow, but admonished them by letter, as a friend to the province, and a well-wisher to the individuals of it, to break up their meeting instantly, and to separate before they did any business. He said, he was willing to believe that the gentlemen who had issued the summons for this meeting were not aware of the high nature of the offence they were committing; and that those who had obeyed them did not consider the penalties they should incur, if they persisted in continuing their session: at present, ignorance of law might excuse what was past; a step farther would take away that plea. He asserted, that a meeting of the deputies of the towns was an assembly of the representatives of the people to all intents and purposes; and that the calling it a committee of convention could not alter the nature of the thing. At the conclusion of his letter, he informed them, that, if they paid no regard to this friendly admonition, he must, as governor, assert the prerogative of the crown in a more public manner. This remonstrance produced another message, in which they attempted to justify their meeting; begged the governor to be sparing of his frowns on their proceedings; and desired explanations of the criminality with

which they were charged. The governor repeated his former refusal to receive any message from an illegal assembly; upon which they appointed nine of their number to draw up a report on the causes and express objects of their meeting. This report being made on the twenty sixth of the same month, a letter with a representation of their transactions and grievances, in which was inclosed a petition to his majesty to be delivered in person, was forwarded to their agent in London; and on the twenty ninth the convention dispersed.

XVII. The very day the convention broke up, the fleet from Halifax, consisting of several frigates and transports with two regiments and a detachment of artillery on board, arrived in the harbour. Quarters were procured for the troops by contract with private persons; and the council, upon that footing, allowed them barrack provisions. General Gage arrived soon after, as did the two regiments from Ireland. The factious and disorderly were by these means for some time intimidated: the soldiers behaved with the utmost discretion; and a tolerable harmony seemed to subsist between them and the inhabitants.

XVIII. While things remained in this state rather of sullen repose than of assured tranquillity abroad, administration at home received a new shock from the clash of those discordant principles, on which it had been framed by the earl of Chatham. The duke of Grafton and lord Shelburne, though introduced into their respective offices as his friends and by his desire, were never cordially united. The latter had lately taken particular offence at the rejection of his advice to oppose the invasion of Corsica, and at the disregard of his recommendation of lord Tankerville to succeed Mr. George Pitt as ambassador at Turin*. A

* Lord Tankerville was one of the five lords who voted against the Declaratory Bill in 1766. The other four were the lords Camden, Shelburne, Cornwallis, and Torrington, Mr.

marked preference was shewn to the duke of Bedford's application in favor of sir William Lynch. Lord Shelburne, upon this, retiring in disgust, his place was supplied by lord Weymouth, from the northern department; and the earl of Rochford, late ambassador at Paris, was appointed successor to lord Weymouth. In a few days after, lord Chatham, who had long been prevented by bodily infirmities from attending to public business, resigned the privy seal, which was immediately delivered to his friend, the earl of Bristol. As these changes took place just before the meeting of parliament, they excited a variety of conjectures, and gave a serious turn to public conversation, which for the last two months had been chiefly engrossed by the king of Denmark's visit to England, and by the scenes of festivity and magnificence displayed on that occasion,

XIX. Parliament met on the eighth of November; and one of the first objects that were pressed upon their notice in the speech from the throne, was to resume the consideration of those great commercial interests which had been entered upon before, but which the shortness of the last session of the late parliament had prevented from being brought to a final conclusion. It was delicately hinted, that other powers had not been as careful as his majesty, to avoid taking any step that might endanger the general tranquillity, though they continued to give the strongest assurances of their

Mr. Pitt did not forget so strong a proof of their attachment to his political opinions, when a *carte blanche* was given him for making what ministerial arrangements he pleased. The same gazette, which announced his own promotion, informed the public that lord Camden was made lord Chancellor, and lord Shelburne one of the principal secretaries of state. It was not long before lord Cornwallis was appointed chief justice in Eyre; and upon the death of archbishop Secker in August 1768, Dr. Cornwallis was translated from Litchfield and Coventry to the see of Canterbury. Few persons were ever more liberally rewarded for a single vote.

peaceable dispositions towards Great Britain: but no assurances, his majesty added, should divert his attention from the interests of Europe; nor should he suffer any attempt to be made derogatory to the honour of his crown, or injurious to the rights of his people. The unhappy disorders in the colonies were in the next place very affectingly described. "At the close of the last parliament," said his majesty, "I expressed my satisfaction at the appearance which then induced me to believe, that such of my subjects as had been misled in some parts of my dominions were returning to a just sense of their duty: but it is with equal concern that I have since seen that spirit of faction, which I had hoped was well-nigh extinguished, breaking out afresh in some of my colonies in North America; and, in one of them, proceeding even to acts of violence, and of resistance to the execution of the law; the capital town of which colony appears, by late advices, to be in a state of disobedience to all law and government; and has proceeded to measures subversive of the constitution, and attended with circumstances that manifest a disposition to throw off their dependance on Great Britain. On my part I have pursued every measure that appeared to be necessary for supporting the constitution, and inducing a due obedience to the authority of the legislature. You may rely on my steady perseverance; and I doubt not but that, with your concurrence and support, I shall be able to defeat the mischievous designs of those turbulent and seditious persons, who, under false pretences, have but too successfully deluded numbers of my subjects in America; and whose practices, if suffered to prevail, cannot fail to produce the most fatal consequences to my colonies immediately, and, in the end, to all the dominions of my crown."—From these remarks his majesty turned to more pleasing topics: he expressed his confidence in the affection and loyalty of his new parliament; rejoiced with them at the providential relief of the poor from their long distresses by the late plentiful

plentiful harvest; pointed out the propriety of applying the best precautions that human wisdom could suggest for guarding against the return of similar calamities; and concluded with warmly recommending to them a spirit of harmony in all their deliberations,—a readiness to unite in whatever immediately concerned the interest of their country, as such a conduct could not fail of being attended with the most salutary consequences both abroad and at home.

XX. The only point in this speech which may be thought to require some little illustration is the hint given of the danger that threatened the general repose of Europe. Two of the greatest empires of the East and the North were at this moment preparing for war. The miserable country of Poland had been for some time the theatre of a contention, not more destructive in its consequences, than singular in its causes and pretexts. Spiritual tyranny first kindled the flame, and civil discord supplied it with fresh fuel: the despotic power of Russia affected to become the guardian of Polish freedom; and the Catholic religion fled for protection to the standard of Mahomet. A concise account of the origin, progress, and termination of so extraordinary a struggle will be given in a future part of this work; but the mind is at present too strongly attracted by the immediate concerns of the British empire, to be much interested in any detail of foreign occurrences.

XXI. Notwithstanding the earnestness with which the king had recommended harmony to his parliament, the spirit of opposition manifested itself strongly in the very first debate on the motion for an address of thanks. The conduct of the ministry in respect both to foreign affairs and those of the colonies was censured with great acrimony. Their backwardness to assist the Corsicans was called a criminal acquiescence in a most dangerous breach of treaty, and in the spreading and baneful influence of the family compact: some injuries said to be sustained by English merchants trading to Portugal,

Portugal, and the non-residence of one or two ambassadors at the courts to which they had been appointed, were urged as proofs of the little attention paid to the foreign interests of Great Britain, or to those in which the general safety of Europe was concerned: and, in addition to many vague charges not only of bad policy but of malignant design with regard to the Americans, it was boldly asserted, that the steps which had been taken to "induce obedience" seemed to be deliberately planned for the purpose of provoking rebellion. These invectives, however, had very little effect; and addresses, in perfect unison with the sentiments expressed in the speech, were agreed to by both houses. They were particularly explicit on the subject of America, and declared, that though they should be ever ready to redress the just complaints of the colonies, they were nevertheless determined to maintain the supreme authority of the British legislature over every part of the British empire. Thanks were then given for the measures already taken to support the laws in the colonies, and strong assurances of their ready concurrence in every regulation that appeared likely to establish the constitutional dependence of the Americans.

XXII. On the fourteenth of November, a petition was delivered from Mr. Wilkes containing a recapitulation of all the proceedings against him, from the time of his having been apprehended by a general warrant till his late commitment to prison. This produced an order for the proper officers to lay before the house a copy of the records of the proceedings in the court of King's Bench. The journals and resolutions of the house in 1763, relative to the same subject, were also examined; and a day was appointed for hearing the matter of the petition, of which notice was ordered to be given to Mr. Wilkes, and to a great number of persons who were concerned as actors, or witnesses in those transactions. In the mean time, Mr. Webb, late secretary to the treasury, against whom a very heavy

heavy charge was laid of suborning and bribing with the public money one of Mr. Wilkes's servants, having petitioned for an opportunity to vindicate himself at the bar of the house, and application being also made by Mr. Wilkes for leave to attend in order to support the allegations of his petition, the requests of both were complied with, and liberty of counsel was allowed them for their respective purposes. After these preparatory steps, the hearing of the petition, which at first had been ordered to take place on the second of December, was put off to the twelfth of the same month, and then finally adjourned to the twenty seventh of January following. This delay could not be avoided, as the merits of the disputed elections, many of which were violently contested, took up so much time, that although parliament continued sitting almost to the eve of the holidays, they had not leisure to attend even to any of the objects recommended to them from the throne, except the renewal of the provision-bills, to prevent a return of the scarcity from which the people had been providentially relieved. A committee of the whole house of commons had, indeed, been formed early in the session, for the purpose of an inquiry into American affairs; but this subject, though of far greater importance than Mr. Wilkes's petition, was necessarily deferred from the same cause, want of time. That gentleman's appeal on a writ of error to the house of lords, admitting of a very short and easy decision, was heard on the twenty first of December, when the judgment of the court of King's Bench was affirmed in both sentences; and next day the parliament adjourned to the nineteenth of January.

XXIII. As lord Chatham still remained confined by illness, he had not been able since his resignation to give any public proofs of his hostility to the ministry whom he had deserted; but there could be no doubt of his intending, upon the recovery of his health, to join the standard of opposition. That standard was now upheld by the marquis of Rockingham, who became

came leader of what was called the old Whig party, in consequence of the duke of Newcastle's death about the middle of November. The chancellorship of the university of Cambridge having become vacant by the same event, the duke of Grafton was unanimously chosen to fill that honourable office. The university of Dublin had lately given the duke of Bedford a similar testimony of their high esteem.

XXIV. But the most memorable event that distinguished the close of the year 1768, was the institution of the Royal Academy, under the king's immediate patronage, and subject to the direction of forty artists of the first rank in their several professions. The great object of this institution, which will reflect immortal honour on the taste and munificence of its illustrious founder, was the establishment of well-regulated schools of design, where students in the arts might find proper instruction and the best helps as well as incentives to aspiring genius, without going in search of them to foreign countries. Here the pupils had the finest living models, and choice casts of the most celebrated antiques to copy after. Nine academicians elected annually from amongst the forty were to attend the schools by rotation, to set the figures, to examine the performances of the students, to promote their improvement, and to turn their attention towards that branch of the arts in which they appeared most likely to excel. Professors of painting, of architecture, of perspective, and of anatomy were also appointed, with liberal salaries, to read annually a certain number of public lectures in the schools; and the admission to these and all the other advantages of the institution was made free to every person properly qualified to benefit by the studies there cultivated. That nothing might be wanting to rouse and encourage emulation, prizes were held out to those who made the nearest approaches to excellence; and the discourses, delivered at the annual distribution of them by the president, sir Joshua Reynolds, were well calculated

fan the flame of youthful ardour, to unfold the true principles and laws of composition, to strengthen the judgment, refine the taste, and impress upon the fancy the strongest images of that ideal perfection, which, as he himself said, it is the lot of genius always to contemplate, and never to attain. Under such a master, whose precepts were so happily illustrated by his own practice, it is no wonder that the English school soon rose to the highest degree of celebrity, and exhibited models of beauty and grandeur which may be fairly put in competition with the most admired productions of any age or any country*. It is with unwillingness that history turns away from such delightful objects, to record the harsh wrangles of party, which were renewed at the meeting of parliament after the Christmas recess.

1769. XXV. The grand debate on the American affairs began the twenty sixth of January. An infinite number of papers relating to the troubles in the colonies had been read the day before; and some resolutions and an address were now produced as sent down from the lords, in order to their being concurred in by the commons. By these resolutions it was declared, that the acts of the late assembly of Massachusetts's Bay, which tended to call in question the authority of the supreme legislature, were illegal, unconstitutional, and derogatory of the rights of the crown and parliament of Great Britain: that the circular letters written by the same assembly to those of the other colonies on the the subject of the late import duties, stating them to be infringements of the rights of the people, and proposing combinations and other modes of pretended

* The yearly exhibition of paintings, sculptures, and designs at the Royal Academy is not confined to the performances of the members, or of the pupils educated there, but is open to all artists of merit, who have thus the most desirable opportunity of displaying their talents to public view, and of acquiring such a portion of fame and encouragement as their works may be found to deserve.

redress,

redress, were of a most unwarrantable, dangerous, and inflammatory nature; that the town of Boston had been for some time in a state of great disorder and confusion, during which the officers of the revenue had been obstructed by violence in the discharge of their duty, and their lives endangered; and that neither the council of the province, nor the ordinary civil magistrates having exerted their authority for suppressing such tumults, the preservation of the peace, and the due execution of the laws became impracticable without the aid of a military force: that all the proceedings in the town-meetings at Boston on the fourteenth of June and twelfth of September were calculated to promote sedition; and that the appointment of a convention, the elections of deputies by the several towns and districts for that purpose, and their meeting were daring insults offered to his majesty's authority, and audacious usurpations of the powers of government. In the address, the greatest satisfaction was expressed in the measures already pursued for supporting the constitution, and inducing a due obedience to the legislature; and the strongest assurances were given of effectual concurrence in such farther measures as might be found necessary to maintain the civil magistrates in a proper execution of the laws, within the province of Massachusetts Bay. It was given as matter of opinion, that nothing could be more immediately necessary, either for the maintenance of royal authority in the said province, or for guarding his majesty's subjects there from being farther deluded by wicked and designing men, than to bring the authors of the late disorders to condign punishment; and for this purpose, it was earnestly requested, that governor Bernard might be directed to transmit the fullest information he could obtain of all treasons committed within his government since the thirtieth of December 1767, together with the names of the persons most active in the perpetration of such offences, in order that his majesty might issue a special commission for trying

trying the offenders within this realm, pursuant to the statute of the thirty fifth of Henry VIII. in case his majesty should, upon receiving the said information, see sufficient ground for such a proceeding.

XXVI. In the opposition made to these resolutions and the address, all the old arguments against the right, or the policy of taxing the colonies, were repeated; and many new ones were added on the inefficiency and odiousness of the late revenue laws, on the absurdity of persisting in coercive measures, and on the cruelty and injustice of bringing supposed delinquents to Europe, to be tried there for crimes said to have been committed in America. The ground, principally taken by the ministry to justify the taxes, as well as to shew the propriety of the measures now under consideration, was the violent conduct of the Americans; which put government under a necessity of using methods, however disagreeable to itself, yet indispensibly requisite for the support of its dignity and of the legislative authority. It was said, "that the repeal of the stamp-act, instead of producing the hoped-for effects of gratitude and of due submission to government, had, on the contrary, operated in such a manner on the licentiousness of the Americans, that it became highly necessary to establish some mark of their dependance on the mother country: that the late duties, so much complained of, were, for one of the reasons now objected to them, the smallness of their produce, chosen as sufficient to answer that purpose, at the same time that they were the least oppressive that could be thought of, were not internal taxes, and were wholly appropriated to the support of the civil establishment of the colonies: that the republican spirit of the inhabitants of the province of Massachusetts Bay, being inflamed by artful incendiaries, had broken out into acts of the most daring insolence, while in their language and their writings they seemed to disclaim all ideas of a subordinate relation to the parent state: that from the ill-judged system upon

which the government of that province had been originally established; the council was appointed by the assembly, and the grand juries were elected by the townships, in consequence of which the principal incendiaries having got a great lead in the assembly, and being themselves the rulers of the popular phrenzy, guided and directed as they liked the whole civil power, so that all justice and order were at an end, wherever their interests or passions were concerned: that it was therefore high time for administration to interfere, and effectually to curb disorders, which, if suffered to proceed any farther, could no longer be considered by that name: that the example set by the people of Boston, and the rash and daring measure adopted by their assembly, of sending circular letters to the other colonies; had already produced a great effect, and if not checked, was likely to set the whole continent in a flame: that accordingly some ships of war and troops had been sent to Boston, who, without bloodshed, or coming to any violent extremity, had restored tranquility to the province: that from these facts it was very evident, nothing but spirited resolutions, supported by a succession of measures equally firm and vigorous, could defeat the wicked designs of the factious, and secure a due obedience to the authority of the supreme legislature: that the levelling principles which prevailed throughout Massachusetts Bay were so subversive of all order and civil government, and the conduct of the magistrates had left so little room for any hope of their properly fulfilling their duty during the continuance of the present ferment, it became highly expedient to revive and put in execution the law of Henry the eighth, by which the king is empowered to appoint a commission in England, for the trial there of any of his majesty's subjects guilty of treason in any part of the world: that, unless this measure was adopted, the most flagrant act of treason and rebellion might be openly committed in that province with impunity: that the persons, who
had

had already endeavoured to kindle the flames of civil war in their country, were no objects of compassion, for any particular circumstances of expence or trouble that might attend the proposed mode of bringing them to justice, which were only to be considered as a small part of the punishment due to their crimes: that it was ungenerous to suppose any improper use would be made of this law by harassing the innocent; and that there was no reason to question the integrity, or impartiality of English juries."

XXVII. But, however conclusive many of these arguments might be deemed in other respects, they were far from justifying either the original policy, or the utility of the late revenue laws. After the repeal of the stamp-act, though the rights of the mother-country were not abridged, she certainly ought to have been more cautious in exerting them. An attempt to tax the colonies no longer stood upon its ancient footing of wisdom and practicability. Mr. Charles Townsend, who recommended the import duties, was too eager to put to the proof the seeming acquiescence of the Americans in Mr. Pitt's doctrine of external taxation; and he did not sufficiently consider, that the laying of duties upon British commodities and manufactures, landed in the colonies, was in effect taxing the mother country, obstructing the sale of her merchandise, granting premiums to excite American industry, and encouraging the contraband trade and supply from other markets. His successors in office perceived his error, and were desirous of correcting it; but they did not think it advisable to explain their intentions on that head, till the authority of government and of the legislature was fully asserted. This is very evident both from their language in the debates*, and from their subsequent conduct. While the resolutions and the address were before parliament, they avoided,

* The first debate on the resolutions took place on the 26th of January; and the second, on the address, immediately followed the report from the committee, Feb. 8.

as much as possible, entering into any particular defence of the import-duties, but chiefly confined themselves to the necessity of enforcing due submission to the laws, and of extinguishing the dangerous embers of sedition. As soon as both houses concurred in the proposed avowal of these sentiments, it was resolved in the cabinet that a circular letter should be sent by lord Hillsborough to the governors of the different provinces, containing an engagement, as far as the ministers of the crown could engage, to procure a repeal, on the principles of commercial expediency, of the taxes on glass, paper, and colours. They were in hopes, that a well-timed shew of vigour in the first instance, and of lenity and condescension afterwards, would bring the colonists to a sense of their duty, and make them desist from their seditious practices. Unfortunately the event did not correspond, in any degree, with these expectations.

XXVIII. Though the parliamentary strength of the ministry was fully demonstrated in carrying the resolutions and address by a majority of almost three to one, they were opposed with much greater vehemence on a point, where they thought themselves more secure, an article of the supplies. A message from the king was delivered to the house of commons on the last day of February, acquainting them that the arrears of the civil list amounted to five hundred and thirteen thousand pounds, and expressing his majesty's reliance on their known zeal and affection, to enable him to discharge that incumbrance. This message gave rise to a contest, which was kept up with uncommon warmth for three days successively. Several motions, diversified by all the manœuvres of political dexterity, were made for papers which might lead to a discovery of any mismanagement or profusion in the conduct of the revenue, and of the royal expences. A review was taken of the state of the civil list, and private revenues of the crown : comparisons were drawn between the income of the present and of former reigns : and it was asserted in very plain terms, that unless the most scrupulous

scrupulous inquiry was always made into the particulars for which such debts were contracted, an arbitrary and unlimited revenue would be gradually established at the will of the prince, and for the purpose of promoting the most pernicious measures. The chancellor of the exchequer expressed the greatest readiness to lay all the accounts and papers that were desired before the house; but said that the length of time which was requisite to prepare them, and the lateness of the session made it necessary to be deferred to the next meeting, while decency to the king required an immediate relief of his wants. Lord North farther observed, that it would be ungenerous, by any act, to shew the smallest suspicion of a prince, whose first care, upon his accession to the throne, was to strengthen the freedom of the subject, by establishing the independency of the judges: that his majesty, who had, in his private share of the captures made during the late war, given up seven hundred and thirty thousand pounds to the nation, was certainly entitled to some regard in his present exigencies: and that the gratitude, not to say the justice of the kingdom was called upon in the loudest manner, to comply readily and gracefully with his request. In one of the debates on this subject, the division was, for the ministry, 164, against 89, and in another, 348 against 135.

XXIX. No objections could have been urged with any great degree of plausibility or force to the other parts of the supplies, or to the ways and means for the service of the current year. The supplies amounted to little more than six millions and a half, including the arrears of the civil list, and four hundred thousand pounds of the navy debts which were to be paid off. The ways and means consisted of the land and malt taxes; exchequer bills to the amount of one million eight hundred thousand pounds; anticipations of the sinking fund for the like sum; a lottery; money due for the ceded islands and for French prizes; small sums in the exchequer, which were a sort of scrapings from the monies issued in the war, and balances of different treasurers' accounts;

expected produce of American taxes, estimated at thirty thousand pounds; and the annual contribution of four hundred thousand pounds from the East India company, whose charter was prolonged for the farther term of five years, on conditions in some respects similar to the last agreement: but the company were now allowed to increase their dividend to twelve and a half per cent. during this term, provided they did not in any one year raise it above one per cent. on the other hand, should the dividend be reduced below the present standard of ten per cent. the stipulated payment of four hundred thousand pounds should be proportionally diminished; and if the dividend should sink to six per cent. the payment to the nation was to be wholly discontinued.* Such easy and judicious provisions for the public service afforded very little room for cavilling or debate. But the spirit of altercation found sufficient exercise in the proceedings concerning Mr. Wilkes.

XXX. On the twenty seventh of January, the day to which the hearing of that gentleman's pretended grievances had been deferred, a motion was made by the chancellor of the exchequer, and carried by a very considerable majority, that Mr. Wilkes's counsel should confine themselves to the alteration of the records, and to the charge against Mr. Webb, as the other parts of the petition had either been decided upon already, or were now under consideration of the courts below. Four days after, Mr. Wilkes proceeded with his evidence; but he was totally unable to make good his accusation against Mr. Webb, which plainly appeared to have been a wicked and most audacious falsehood. There was no difficulty in proving the alteration of the record, which had been acknowledged and fully justified by lord Mansfield in the court of King's Bench, where the practice was confirmed on the opinion of all the judges. But Mr. Wilkes having disingenuously and malignantly left out so material a circumstance in his

* The company were also bound to lend the overplus of their revenues to government at two per cent.

complaint,

complaint, the house agreed to a vote of censure on that part of the petition, as tending to asperse lord Mansfield's character, and to prejudice the people against the administration of public justice. This, however, was not the only step Mr. Wilkes had lately taken to provoke the rigour of parliament, and to endear himself more strongly to the infatuated populace.

XXXI. Some little time previous to the dreadful riots in St. George's Fields, a letter had been written by lord Weymouth, one of the secretaries of state, to the chairman of the quarter-sessions at Lambeth, recommending an early and effectual use of the military, if the civil power was trifled with or insulted; as a military force could never be employed to a more constitutional purpose, than in supporting the authority and dignity of the magistracy. Such instructions seemed particularly necessary at that crisis, when some of the most active magistrates had been found unable to put the laws in execution; when constables, instead of attempting to preserve the peace, were known to join the mob in every act of outrage; when a convict was openly rescued from the officers of justice, and carried in triumph almost within sight of the very court that ordered his commitment; when in short the audacity of the rabble increased with their crimes, and no hope remained of bringing them to a sense of their duty but by the exertion of superior force. Mr. Wilkes, having by some means procured a copy of lord Weymouth's letter on that occasion, had it published at full length in a news paper, with a preface of his own, in which the affair of St. George's Fields was termed a *horrid massacre*, and the consequence of a *hellish project*, deliberately planned and determined upon. The secretary of state laid so flagrant a breach of privilege before the lords, and the publishers of the news-paper having acknowledged that they received the copy from Mr. Wilkes, a complaint was made to the commons of the conduct of their member; and the matter being agitated during the inquiry into the merits of Mr. Wilkes

Wilkes's petition, he, with his usual effrontery, not only declared himself to be the author of the prefatory remarks, but said he gloried in having brought to light that *bloody scroll*, and was only sorry he had not expressed his indignation at it in stronger terms. He even added, that he ought to have the thanks of the house for his meritorious conduct in the business. Instead of thanks, however, the house voted his introduction to the Secretary of State's letter to be an insolent, scandalous, and seditious libel, tending to inflame and stir up the minds of his majesty's subjects to a total subversion of all good order and legal government.

XXXII. Next day, [Feb. 3.] a very long debate took place on the following motion, made by lord Barrington, the secretary at war:

"That John Wilkes, Esq. a member of this house, who hath at the bar of this house confessed himself to be the author and publisher of what this house has resolved to be an insolent, scandalous, and seditious libel, and who has been convicted in the court of King's Bench, of having printed and published a seditious libel, and three obscene and impious libels, and by the judgment of the said court has been sentenced to undergo twenty two months imprisonment, and is now in execution under the said judgment, be expelled this house."

XXXIII. This motion was opposed by the united strength of the Rockingham and Grenville parties, Mr. Edmund Burke the tool of the one, and Mr. George Grenville the leader of the other, being the principal speakers. Though these gentlemen differed very widely on some great political principles, yet from a casual coincidence of dislike to many of the late measures of government, they often acted as if they belonged to the same phalanx. But on whatever side of the question they spoke, their style and manner always afforded a very remarkable and amusing contrast. Mr. Burke's eloquence was splendid, copious, and

and animated, sometimes addressing itself to the passions, much oftener to the fancy, but seldom or never to the understanding, it seemed fitter for shew than debate, for the school than the senate, and was calculated rather to excite applause than to produce conviction: Mr. Grenville's was plain, yet correct, manly, argumentative, trusting more to genuine candour, to the energy of reason, and the well-displayed evidence of truth, than to the rainbow colours of fine imagery, or the blaze of artificial declamation. The one appeared always dressed in a rich wardrobe of words, to dazzle the beholders: the other made use of language, as a modest man does of clothes, for the purposes of convenience and decency. The former could enliven the dullest debate by the sallies of his wit; but he was too fond of exerting that talent on every occasion, and frequently debased it by an intermixture of low ridicule: the latter, full of the importance of his subject, and attentive to the becoming gravity as well as dignity of the senatorial character, never let himself down, nor attempted any thing like vulgar jests, or unseasonable pleasantry. Mr. Burke, naturally ardent, impetuous, and irascible, took fire at the smallest collision; and the sudden bursts of his anger or his vehemence, when all around him was calm, could only be compared to the rant of intoxication in the presence of a sober and dispassionate company: Mr. Grenville, even when attacked with the utmost asperity, shewed a perfect command of temper, and neither betrayed any symptoms of alarm himself, nor hurled the thunders of wrathful oratory at his adversaries. This dissimilitude of genius and character between both was strongly marked in the debate on lord Barrington's motion.

XXXIV. Mr. Burke poured forth a torrent of invectives against the folly and wickedness of the ministers of the crown; he enlarged on the dangerous consequences of the assumption and abuse of a discretionary power in the commons; and called the proposed

posed vote of expulsion the fifth act of a tragi-comedy, performed by his majesty's servants, at the desire of several persons of quality, for the benefit of Mr. Wilkes, and at the expence of the constitution. Mr. Grenville confined himself to two decisive points, the injustice and imprudence of the measure. He said it was unfair to blend all Mr. Wilkes's offences, as it were, in one indictment, and then to decide on a complicated and accumulated charge; as, in consequence of such a mode of trial, it was possible for that gentleman to be expelled even by a minority*. After viewing the whole together, he proceeded to unravel the web, and to examine the different parts of it separately and distinctly. He observed, that the proper step to be taken by the house of lords with respect to the gross and impudent libel on lord Weymouth was to address the king to have it prosecuted by the attorney general, instead of transmitting it to the commons to be punished by an extraordinary extension of their judicature. For the North Briton, Mr. Wilkes was now undergoing the sentence of the law, and had been expelled from parliament; and there was no rule more sacred in English jurisprudence, than that a man once acquitted or condemned should not be tried or punished again by the same judicature for the same offence. The law had also passed sentence on him for the Essay on Woman; and as the last house of commons had not thought it right for them to interfere in that matter, it would certainly be deemed a hardship to let it pass unnoticed at the time, and five years after to transfer it to another parliament, and to reserve it for a fresh censure. As to Mr. Wilkes's imprisonment, though

* For instance, fifty members might think he ought to be expelled for the North Briton; fifty more might think so for the Essay on Woman; and fifty more for the libellous strictures on lord Weymouth's letter; though each of these might acquit him of the other accusations; whilst an hundred might entirely acquit him; and yet the three fifties joining together would expel him.

A. D. 1769.

GEORGE III.

259

it implied an inability in him to attend, and in the house to reclaim him, yet Mr. Grenville did not think that temporary disabilities ought to be regarded as proper grounds for an expulsion. He therefore begged that the prejudices or just resentments of the house against the conduct and character of the man might not prevail upon them to establish a precedent, which, though perhaps begun in the first instance against the odious or the guilty; might be easily applied and made use of against the meritorious and the innocent. From those remarks Mr. Grenville made an easy and natural transition to the second part of the subject, in which he took a view of the propriety and wisdom of the measure. He considered Mr. Wilkes as having become, however undeservedly, a favorite with the public: he said it could not be denied, that the temper of the people had shewn itself on several occasions to be licentious and disorderly; that their respect for the parliament and confidence in their representatives were visibly diminished; and he then asked, whether, under these circumstances, it was not more advisable to conciliate the heated minds of men by mildness and discretion, than to inflame them by adding fresh fuel to discontent? He hoped the ministry would consult the best guide to all human wisdom, the experience of past times; and he quoted one instance of impolitic rigour, which was equally pertinent and forcible. "The reverend incendiary Dr. Sacheverell," said he, "was unwisely prosecuted by this house. He became by that means the favorite and the idol of the people throughout England, as much, nay more than Mr. Wilkes is now. The queen herself was stopped and insulted in her chair, during the trial, with *God save Dr. Sacheverell*. I heartily wish that no similar insult may have been offered to our present sovereign. The prosecution went on and the ferment increased. The event verified a famous expression in those days, *That the Whigs had wished to roast a parson, and that they had done it at so fierce a fire, that they had burnt themselves;*

selvæ; for the ministers were dismissed, and the parliament dissolved. The reverend doctor, the mob idol, when he ceased to be a martyr, soon sunk into his original insignificancy, from which that martyrdom alone had raised him. Mr. Wilkes, apprehensive of the same fate, and thoroughly sensible that the continuance of his popularity will depend upon your conduct, uses every means in his power to provoke you to some instance of unusual severity. Suppose that you could otherwise have doubted of it, yet his behaviour here at your bar, when called upon to justify himself, is fully sufficient to prove the truth of what I have asserted. If he had intended to deprecate your resentment, and to stop your proceedings against him, he is not so void of parts and understanding, as to have told you in the words he used at the bar (when charged with writing the libel against lord Weymouth) *that he was only sorry he had not expressed himself upon that subject in stronger terms; and that he certainly would do so whenever a similar occasion should present itself;* nor would he have asked, *whether the precedents quoted by lord Mansfield were not all taken from the Star Chamber?* If he had wished to prevent this expulsion, he would have employed other methods to accomplish his purpose; but his object is not to retain his seat in this house, but to stand forth to the deluded people as the victim of your resentment, of your violence and injustice. This is the advantage which he manifestly seeks to derive from you; and will you be weak enough to give it to him, and to fall into so obvious a snare? What benefit will you gain, or what will he lose, if this motion for his expulsion shall take effect? Whatever talents he has to captivate or to inflame the people without doors, he has none to render him formidable within these walls.—He has holden forth high, sounding, and magnificent promises of the signal services which he will perform to his country in parliament; and there are many who are ignorant and credulous enough to believe them. Whenever he comes here,

here, I will venture to prophesy that they will be grievously disappointed. That disappointment will be followed by disgust and anger at their having been so grossly deceived, and will probably turn the tide of popular prejudice. But as soon as he shall be excluded from this house, they will give credit to him for more than he has even promised. They will be persuaded that every real and imaginary grievance would have been redressed by his patriotic care and influence."—Mr. Grenville here took occasion to point out some other bad consequences of the proposed measure. He said there could be no doubt, in the present temper of the freeholders of Middlesex, but that Mr. Wilkes would be re-elected after his expulsion. The house would probably think it necessary to expel him again, and he would as certainly be again elected. What steps could the house then take to put an end to a disgraceful contest, in which their justice would be arraigned, and their authority and dignity essentially compromised? By the rules of the house, the vote for excluding Mr. Wilkes could not be rescinded in the same session in which it had passed. No alternative would therefore remain, but either to refuse issuing a new writ, and by that means to deprive the county of the right of chusing any other representative; or bringing into the house, as the knight of the shire for Middlesex, a man chosen by a few voters only, in contradiction to the declared sense of a great majority on the face of the poll. "Are these then," continued Mr. Grenville, "the proper expedients to check and to restrain the spirit of faction and of disorder?—Can we seriously think they will have that salutary effect? Surely it is time to look forwards, and to try other measures."—He concluded with recommending a cool and temperate conduct, unmixed with passion, or with prejudice; and deprecated the exercise of a discretionary power, the extent of which no man knew, and the extent of the mischiefs arising from it no man could tell.

XXXV. But neither the candour of Mr. Grenville's advice, nor the force of his prophetic warnings could subdue the indignation which the house felt at the unparalleled insolence as well as criminality of Mr. Wilkes's behaviour. The vote of expulsion was carried by a majority of 219 to 136; and a new writ was issued for the election of a member in the room of Mr. Wilkes. The train of events predicted by Mr. Grenville now followed in rapid succession. Mr. Wilkes's popularity increased with what was termed his persecution. His bold defence of the prefatory remarks on lord Weymouth's letter, at the very bar of the house of commons that expelled him, was captivating to many persons, and raised him friends and admirers in every quarter. The freeholders of Middlesex confirmed their former choice of him as their representative, and had, at a previous meeting, agreed to support his election at their own expence. The return being made to the house of commons, it was resolved by a majority of 225 to 89, "that Mr. Wilkes, having been once expelled, was incapable of sitting in the same parliament, and that the election was therefore void." But before the sense of the county was taken again, a month was suffered to elapse, in hopes that the popular ferment might be somewhat abated in that time. The delay had a contrary effect. It afforded Mr. Wilkes's partisans an opportunity of spreading the flame wider, and seizing the moment of general frenzy to levy contributions for the relief, as they said, of the persecuted author of the Bill of Rights. At the first meeting called together for this purpose at the London tavern, above three thousand pounds were immediately subscribed, and a committee was appointed to circulate proposals of the like kind through the kingdom, the following claim being urged in Mr. Wilkes's favor, "that as he had suffered very greatly in his private fortune, from the severe and repeated prosecutions he had undergone; it seemed reasonable that those who suffered for

for the public good, should be supported by the public." This scheme was in the true spirit of Mr. Wilkes's old maxim*, and his expectations of its success were not disappointed. When the election came on again at Brentford, Mr. Dingley, a mercantile gentleman, made an offer to oppose the favorite candidate; but being very roughly handled by the populace, he thought it most prudent to retire, and Mr. Wilkes was chosen for the third time with the former unanimity. This election being also declared void, and a new writ ordered, colonel Luttrell, a member of the house of commons, had the courage to vacate his seat by the acceptance of a nominal place, in order to try his strength in a contest for Middlesex. Mr. Whitaker, a serjeant at law, ventured also to enter the lists; and another gentleman had been nominated, but did not chuse to take the oaths necessary on that occasion. At the close of the poll, the numbers were for Mr. Wilkes 1143, for Mr. Luttrell 296, and for Mr. Whitaker only 5; upon which the return was made in favor of Mr. Wilkes, but was, of course, annulled by the house of commons; and in two days after, a resolution was carried by a majority of 221 to 139, to amend the return by razing out the name of Mr. Wilkes, and inserting that of colonel Luttrell in its place. Fourteen days having been allowed for a petition against this decision, one was accordingly presented, signed by several freeholders; which again brought the matter into warm and serious debate on the eighth of May, when the former resolution was confirmed by a still greater majority.

XXXVI. If the minds of the people had not been totally blinded by the mists of prejudice and passion, or by the illusions of factious artifice, they must have perceived the necessity, as well as regularity of the steps taken by the house of commons after the expulsion of Mr. Wilkes, however impolitic that measure might be deemed in the first instance. It was evident,

* See page 37.

that the right of expelling delinquents and of deciding on the validity of elections, which the commons derived from the first principles of the constitution, and had always exercised, would be a nominal or frivolous authority, if it was not supported by the farther power of excluding such persons as they had declared to be ineligible or improper. This power might, indeed, be abused, or indiscreetly exercised; but all power is, in its own nature, liable to abuse; and if so vague an objection were admitted, the powers vested in all political bodies, however constituted, must be annihilated, and the bands of civil society are at once dissolved. The declaration of Mr. Wilkes's incapacity to sit in that parliament implied in its very terms, that any votes given him during his disability were null and void, and could not therefore be opposed to the votes given to another candidate. To pretend, therefore, that the decision in favor of colonel Luttrell infringed the right of the electors, was a wretched fallacy. The able advocates for the measure demonstrated very clearly, "that the right claimed by the greater part of the freeholders of Middlesex was no other than the right of doing wrong,—the right of sending inadmissible representatives to parliament: that, if the house was obliged by the constitution to receive all persons duly qualified, who were returned by a majority of the electors, the latter were equally bound not to return disqualified persons: and that it never could be the intention of our wise ancestors, when they took so much pains to secure to their posterity the privilege of being represented by men of their own choice, that infidels should be the guardians of our religion, beggars the protectors of our property, or convicts the framers of our laws." It had been asked by the gentlemen of the opposition, with a sort of insulting confidence, under what head of legal disability Mr. Wilkes's exclusion was to be found;—or how the electors were to know it? The reply, however, was easy: the records of parliament would inform

form them. "How," said the ministerial party, "have the electors learned, that judges of the superior courts cannot be chosen representatives of the people? How are aliens,—how are clergymen disqualified? The house has pronounced them incapable, as the several questions arose. It is exactly the same with regard to Mr. Wilkes. He incurred the like sentence; and though no case precisely similar to his in *all* its circumstances can be adduced, the house of commons now existing has certainly as valid a right to make a precedent in a new case within the limits of its own peculiar jurisdiction as any former house of commons. But let us see," added they, "whether its conduct in the present instance is not perfectly analogous to the spirit of its former proceedings. In the famous case of sir Robert Walpole, who was expelled the house in 1711 for breach of trust and corruption, and re-elected for the borough of Lynn-Regis, the house resolved, that he was incapable of sitting in that parliament, though they did not on that occasion declare Mr. Taylor, the candidate next upon the poll, duly elected. But in the case of serjeant Comyns, who, being returned for the borough of Malden in the year 1715, had refused to take the qualification oath, the house more consistently determined, that the votes given to Comyns were lost, and that Mr. Tuffnell, next upon the poll, was duly elected; and, in the case of Bedford, in the year 1727, the house, in conformity to the decision on the contest for Malden, declared Mr. Orlebar duly elected, though inferior by no less than two hundred and twenty five votes, on the face of the poll, to Mr. Ongley, who was previously disqualified by holding the office of commissioner of the customs. From these authorities combined, a complete precedent might be formed; the first affirming, that a member once expelled could not sit in the same parliament; the two latter, that votes given to disqualified persons were absolutely, and to every elective purpose, null and void. But if no precedents of former resolutions

resolutions in any sort applicable could be referred to, the reason of the thing must have dictated to the house such a decision as was essential to the maintenance of its own dignity and authority, and to the avoidance of an absurdity so palpable and ridiculous as would be the doctrine now first promulgated, that parliament has a right constantly to expel, and the freeholders a right as obstinately to re-elect the same person, without any means of terminating the contest. Were the decisions of the house, in this or any other instance, found to be arbitrary or unjust, the united branches of the legislature, in their supreme and collective capacity, might interpose, and, by passing a law, regulate such decisions for the future; but nothing less can restrict the judicial power of the commons in all cases of election."

XXXVII. The prorogation of parliament took place the day after the final decision on the Middlesex election. In the speech from the throne, the proceedings of both houses through the whole course of the session were highly approved, but more especially their attention to the great objects, which, at its opening, had been recommended to their immediate consideration: just acknowledgements were also made of their readiness as well in granting the supplies for the service of the current year, as in enabling his majesty to discharge the debt incurred on account of the civil government: he exhorted them with peculiar earnestness to use their utmost efforts in their several counties for the maintenance of peace and good order at home; and, with regard to the state of affairs abroad, he trusted that the calamities of war would not extend to any other part of Europe, however unsuccessful his attempts had proved for preventing the unfortunate rupture between Russia and the Porte. Of this rupture it may not be deemed improper to introduce some account, during the present short pause of domestic occurrences of any considerable moment.

XXXVIII.

XXXVIII. It has been already hinted, that the spirit of religious intolerance had kindled the flames of a civil war in Poland; and that the neighbouring powers of Russia and Turkey soon after engaged, not merely as parties, but as principals in the dreadful contest. The usual commotions attending the election of a king in that unsettled country had scarcely subsided, when new troubles arose from a variety of rigorous measures put in force against the dissidents, a name there given to the members of the Greek and reformed churches. The grievances of which they complained were deemed the more intolerable, as being in direct violation not only of their natural rights, but of the most express and solemn conventions. In the year 1563, a law was enacted at the diet of Wilna, under the sanction of Sigismund Augustus, the last of the hereditary kings of Poland, declaring, that all the professors of the Christian religion, without distinction or exception, should, according to their rank and merit, be eligible to the several posts and dignities of the state. After Sigismund's death, when the political constitution of the country was changed, and the crown became elective, the same liberality of religious sentiments still prevailed; and a perpetual peace betwixt the Greeks, the Roman Catholics, and the Protestants was established in the famous diet of 1573, as a fundamental law of the republic. But the posterity of those illustrious Poles too soon lost sight of the politic, humane, and noble precedent that was set them by their fathers. The Roman Catholics obtained by degrees the ascendancy, and the exclusive possession of government; in consequence of which all persons of a different persuasion were made to feel the double yoke of civil and spiritual tyranny. After many struggles and vicissitudes of fortune, their rights and privileges were at length completely restored to the dissidents, in the year 1660, by the treaty of Oliva, to which England and the other mediating powers became guaranties. Nevertheless, under the two last kings of the protestant

protestant house of Saxony, who, having turned papists, affected to be very zealous for the religion they had embraced, the oppressions of the dissidents recommenced; and notwithstanding the wisdom and moderation of the present sovereign, and the strong remonstrances of the courts of Berlin, Petersburg, Denmark, and Great Britain*, the most severe and unjust decrees passed against them. By one of these they were declared traitors to their country, if they should implore the intercession even of any of those powers who had been guarantees to the treaty of Oliva†. Thus shut out from every hope of redress, and conceiving themselves devoted to destruction, they at length flew to arms; and the whole kingdom, divided into opposite confederacies, became for a succession of years a scene of horror, calamity and desolation; nor would the blind rage of civil and religious discord permit the Poles to perceive that, by these senseless and horrid contentions, they were exhausting the vital strength of their country, and offering themselves up an easy prey to the rapacity of foreign invaders. The artful and ambitious Catharine knew too well how to profit by their infatuation. Under the plausible shew of protecting the dissidents, and of adhering with strict honour to the stipulations of former treaties, she sent her troops into Poland; and while she seemed only to oppose the

* In the excellent memorial on this subject by the English resident at Warsaw, the rights and privileges of the dissidents are enforced with great spirit and ability, as having been confirmed to them by the fundamental laws of the kingdom, farther secured by solemn treaties with other powers, and founded on a doctrine, whose principles of charity and benevolence make it characteristical of Christianity. "Yet," says the memorialist, "it is this religion, of which the exercise is disturbed, and of which the professors are excluded from all honourable employment and deprived of all means of serving their country."

† The decree above alluded to was first enacted in the year 1736; but it was afterwards confirmed, with some aggravating circumstances, by the diet of 1764.

unjust

unjust authority claimed by one body of citizens over another, her secret aim was to enslave both, and to render the whole country a province dependant on the Russian empire. It was impossible for the grand seignior, who had long regarded the growing greatness of Russia with anxious and envious apprehension, to remain a tame and silent spectator of her alarming interference in the troubles of Poland. His assistance was also very pressingly solicited by many of the Polish nobility, who, it is said, held out the most inviting offers of submission to his government, if he would espouse their cause. He did not, however, precipitately engage in so dangerous a quarrel. He made repeated demands to the court of Petersburg, to withdraw her armies from the territories of the republic, and to maintain that neutrality which the Porte itself had religiously observed. These remonstrances produced only vague and evasive declarations; and in the frequent conflicts which took place between the Russian troops and the catholic confederates near the borders of the Turkish empire, the rights of sovereignty were occasionally violated, and many causes of complaint occurred. At length matters were brought to a crisis by the sack of the town of Balta in Lesser Tartary, to which a party of the confederates had fled for refuge, and which was immediately attacked and carried sword in hand by the Russians, who massacred great numbers of the inhabitants. In a few days after the intelligence of this affair reached Constantinople, an extraordinary meeting of the Divan was held, at which the Russian ambassador, who had been invited to attend, was required to sign articles, importing satisfaction for the injuries sustained, and the immediate withdrawing of the Russian troops from Poland. On his refusal, he was committed prisoner to the castle of the Seven Towers in the latter end of October 1768; and hostilities, which were only suspended by the rigours of the season, began very early in the ensuing spring.

XXXIX. It would be deviating too far from the main purport of the present work to attempt even a summary of the events of a war, which, from distance of situation and remoteness of interest, had little immediate effect on Great Britain. It is enough to say that it lasted about six years, and exhibited, during that time, an almost continued series of triumphs on the part of the Russians. After the reduction of the provinces north of the Danube, they crossed that great river, and carried their victorious arms into the very heart of the Turkish dominions. Their efforts at sea were no less extraordinary. One of their fleets issued from the bottom of the Baltic, to shake the remotest parts of the Mediterranean, to intercept the trade of the Levant, to excite and support the insurrection of the Greek Christians, and to leave nothing in any part of the vast empire of enemies free from alarm and confusion. As the principal success of this enterprise, which astonished all Europe, was owing to the skill and intrepidity of an English officer, it may on that account be entitled to particular notice in English history. An action, very decisive in its consequences, took place between the Russian and Turkish fleets in the Archipelago on the fifth of July 1770. The Turks, though greatly superior in force, and with peculiar advantages of situation, could hardly sustain the fury of the conflict till night; and then cutting their cables, imprudently ran for safety into a little bay on the coast of Natolia. The Russian fleet surrounded them next morning, and the utmost dispatch was used in preparing four fire-ships, whose operations were intended to take effect the following night. This, however, being a service, with which the Russians were not acquainted, and which they shewed great backwardness to engage in, an English lieutenant, named Dugdale, boldly undertook the management of the fire-ships; and commodore Greig, another officer of the same nation, with equal spirit offered his services to command four ships and two frigates that were to cover them.

The

The commodore having approached the mouth of the harbour about midnight; engaged the enemy at the distance of four hundred yards; and an incessant cannonade and bombardment ensued. At one o'clock a signal was made to lieutenant Dugdale to run in with the fire-ships, which he readily performed, and bore down himself upon the weathermost ship, one of his consorts upon the next in the line, and the two others he ordered to fall on board the two leewardmost of the Turkish fleet: at the same time, a fortunate shot having set the rigging of one of the ships in the center on fire, it added much to the confusion and danger, in a place where they had very little room to act. The sailors on board the lieutenant's fire-ship were so overpowered by the horrors of the night, and dreaded so much the result of an operation which they did not comprehend, that it was only by dint of sword and pistol he could keep them on board as he approached the enemy; and at length, when within a few yards, he being obliged to run forward to take a closer view, the man at the helm immediately deserted it, and with the whole crew jumped into the boat, and totally abandoned him. The lieutenant bravely lashed the helm, and seeing a boat full of Turks ready to board him, before he had quite reached the ship, he with the same intrepidity fired the fusée with his pistol, and though he was terribly burnt and nearly blown up by some loose gunpowder that lay on the deck, he ran forward and hooked the cable of the Turkish ship, so that the fire was immediately communicated to her. After this exploit, he jumped into the sea, and was saved, though with great difficulty. The fire took place so effectually, that in five hours the whole fleet, except one man of war and a few gallies that were towed off by the Russians, was totally destroyed. The brave lieutenant was rewarded with the command of the captured ship, and commodore Greig was promoted to the rank of admiral.

XL. In the midst of so many disasters by sea and land, the Turkish government was convulsed by revolts and conspiracies in every quarter; and to fill up the measure of calamity, the plague added its most cruel ravages to those of the sword. The enormous fabric of that unwieldy and ill compacted empire seemd tottering to its fall, when a peace was obtained on the humiliating terms of ceding to Russia the whole country between the Bog and the Nieper; of consenting to the absolute independency of the Crimea; and of allowing to the shipping of Russia a free navigation in all the Turkish seas, including the passage through the Dardanelles. The king of Prussia and the emperor of Germany, whom natural jealousy, as well as policy would otherwise have prompted to oppose so alarming an extension of the Russian power, had been bribed into acquiescence, not by a promised share of the spoils of Turkey, but by the dismemberment of Poland, and the appropriation of such of its provinces as were best suited to their purpose by lying contiguous to their respective territories. The wretched Poles whose history, since the commencement of their intestine quarrels, afforded nothing but a frightful catalogue of massacres and ravages, appealed in vain to all Europe on the atrocious perfidy and injustice of the seizure of the dominions of the republic *: after some unavailing remonstrances, the diet, with a bayonet at its breast,

* In 1764, both the empress of Russia and the king of Prussia signed with their own hands separate acts of renunciation, by which they not only disclaimed all pretensions to any part of Poland, but solemnly engaged to guaranty its rights and territories against every power whatever: and in the beginning of the year 1771, the empress queen of Hungary wrote a letter to the king of Poland, in which she gave him the strongest assurances, that she had never entertained a thought of seizing any part of his dominions, nor would even suffer any other power to do it. But all those declarations and assurances were forgotten as soon as a favourable opportunity presented itself for dismembering that helpless and devoted country.

was compelled to sign a treaty for the formal cession of the several districts, which the three usurpers had fixed upon and guarantied to each other*.

XLI. It is not to be supposed that the partition of Poland, or the events of the war between Russia and the Porte were regarded with indifference by the British government; but its attention was so fully engrossed by seditious cabals at home, and by the critical posture of affairs in the colonies and settlements abroad, as to admit of very little interference in the concerns or politics of other countries. The ferment, which had been raised by the proceedings against Mr. Wilkes, was far from subsiding at the final decision on the return for Middlesex. The firmness of the house of commons in that dispute seemed, on the contrary, to throw the whole nation into a flame, and afforded wicked and designing men a fresh opportunity of increasing the popular discontents, and of insinuating into the minds of the electors at large a fatal persuasion that they were betrayed by their representatives, that their rights were trampled upon, and the constitution wounded in the most vital part. A few well-meaning, but perhaps indiscreet friends of the ministry thought it their duty, at such a time, to exert their influence in procuring addresses from some counties and corporations where they resided, expressive of the strongest detestation and abhorrence of the attempts lately made to spread riot, licentiousness, and disaffection through the kingdom. These testimonies of loyalty served only to stimulate the efforts of the opposite party to obtain petitions for the redress of alleged grievances, and for the banishment, as they said, of evil counsellors from his majesty's favor and confidence. The county of Middlesex took the lead on

* The partition of Poland took place in 1772, and peace was concluded between Russia and the Porte in 1774; but those events are anticipated in the above sketch, in order to bring the whole into one point of view, and to avoid the necessity of introducing any detached remarks on this subject into other parts of the narration.

this occasion, and was soon followed by the city of London*. But the complaints of both were such dull, verbose repetitions of all Mr. Wilkes's stale invectives against government, that many who approved of temperate appeals to the throne, shrank from the imitation of those disgusting patterns. Thus the career of petitioning stopped short almost at the very outset, and would have been totally relinquished, if the indefatigable agents of faction had not used every art to efface the first unfavorable impressions, and to make the people believe that the salvation of all their rights depended on their perseverance and unanimity. By these means, and by confining most of the remonstrances to one object, the supposed infringement of the freedom of election, several counties, cities, and boroughs were induced to join in the measure, and to implore the intervention of his majesty's wisdom and goodness for effectually remedying that grievance. A few of them prayed in express terms for a dissolution of parliament; but the language of the greater number was more delicate and respectful.

XLII. During this contest between addressers and petitioners, some very unpleasant advices were received from the East Indies; and, in the first moments of

* The interest of the opposition was at that time predominant in the city; though a respectable number of the merchants and tradesmen had before joined in a very loyal address to the throne. The latter, when going to St. James's to present their address, were assaulted on their way by a great mob, who carried their outrages even within the palace-gates. In the address from the city of Coventry, which was presented a few days after, there is a pointed allusion to this circumstance in the following words: "with respect to the mere instruments of our present confusion, we can only lament their error; but for their patrons, from whose lessons of sedition they have been tempted to exhibit their improvements in that detestable science even before the gates of your palace, notwithstanding they may assume to themselves the respectable character of *supporters of the bill of rights*, they will for ever be regarded, by the more sober part of your majesty's subjects, as enemies to monarchy and subverters of all legal government,

by

alarm, the company's stock fell sixty per cent. The immediate cause of so great a shock to their credit was the continuance of an expensive and disastrous war, which the rapacity and ambition of their servants in India had prompted them to engage in about the middle of the year 1767, and which was now said to threaten the ruin of their trade, and the loss of their principal settlements. The danger was, indeed, greatly exaggerated in these representations; but it plainly appeared from facts, that the company had been wantonly plunged into a contest with the most formidable enemy they had ever encountered in that part of the world. This was the famous Hyder Ally, who by daring treachery, and one of those amazing revolutions so frequent in India, had risen from a common seapoy to the sovereignty of an extensive country on the coast of Malabar. Though his ambition increased with his power and success, yet it was always under the restraints of the soundest policy; and while he neglected no means of securing his empire and improving the discipline of his armies, he cautiously avoided giving any offence to the company, which could provoke or justify a war. On the contrary, it is asserted, that their ships were permitted to trade in his ports without molestation, and their servants had a free intercourse with his dominions, till the very moment of the rupture. He was not, however, unprepared for such an event. In addition to his own resources, he had the address to gain over to his side the nizam of the Decan, a potentate of high rank in India, and whose territories bordered upon those of the company. But notwithstanding the number of their united forces, and the extraordinary effects of the discipline introduced by Hyder, they were defeated with great loss by colonel Smith near Trincomallee, on the twenty sixth of September 1767; after which the nizam made a separate peace with the English, yielding up to them a considerable territory, called the Balagat Carnatic. Hyder, though deserted by his late ally, and though in the

month of February following he received another very severe blow in the loss of his whole navy at Mangalore, was far from betraying any symptoms of dejection or dismay; but transferred the war to a mountainous part of the country, where his enemies were prevented from doing any thing decisive, and where he could avail himself of all the advantages, which the celerity of his own army, composed chiefly of horse, gave him in such circumstances. At length by a series of rapid movements, in which the company's troops were greatly harassed, and their supplies often intercepted, he wheeled round them, and rushed with desolating fury into the Carnatic. This manœuvre had all the effect he could wish. They were immediately obliged to evacuate his territories, and to retire in haste to the defence of their own and their allies. Thus he recovered, without fighting, some forts and strong posts which they had taken; and, instead of a fugitive retreating before his enemies, and unable to defend his own dominions, he came as a vindictive and haughty victor to pour destruction into theirs. His cavalry, being now let loose into its proper sphere, spread far and wide its destructive ravages; while Hyder, with his usual sagacity, avoided a general engagement, and contented himself with attacking detached parties of the English army, cutting off their convoys, and wearying them out by their own fruitless endeavours to bring him to action. Other adventurers, allured by the prospect of plunder, joined him in great numbers: some of the Maratta princes were on the point of entering into alliances with him; and nothing less than the expulsion of the English seemed to be the object of such powerful confederacies. It was at this stage of the war, towards the close of the year 1768, that the accounts were brought away from India, which occasioned so much consternation among the company at home. Even those, who knew that Hyder Ally's whole force was unable to make any impression on the English settlements, were justly apprehensive of his incursions.

ursions into the open provinces, which he laid waste, and thereby destroyed the company's principal resources for carrying on the war. Their trade, their revenue might be materially injured, though the enemy's success was not such as to endanger their security. The progress and final issue of the war exactly corresponded with these ideas. Hyder's devastations in the Carnatic were attended with very distressing effects. The nabob of Arcot, a staunch friend and faithful ally of the company, was nearly ruined. The income of the establishment at Madras being inadequate to its present exigencies, large remittances from Bengal became necessary; and as these were unavoidably made in a base kind of gold coin, the loss in the difference of exchange only was said to amount to forty thousand pounds. A stop was also put to the usual investments from Madras to China, no silver being now stirring in the country, and the manufactures at a stand from the fear of the enemy. But the most provoking circumstance of all was the ever watchful sagacity with which Hyder baffled every effort of the company's forces either to check his career, or to bring him to close action. The first defeat, which he had sustained from colonel Smith in the year 1767, made him extremely cautious; and though he was tempted in October 1768, at the head of fourteen thousand horse and six battalions of seapoys, to attack a detachment of four hundred and sixty Europeans, and two thousand three hundred seapoys, commanded by colonel Wood, the necessity of retreating, after an obstinate contest of six hours, afforded him another mortifying proof of the superiority of his adversaries, which no numbers, discipline, or exertions on his part were able to counterbalance. He therefore adhered to his predatory plan; and as he had totally laid aside the heavy, unwieldy cannon before used by the Indian princes, and took care to prevent his troops from being encumbered with baggage, nothing could equal the celerity of his motions. In the month of March 1769, having given

the English army in the Carnatic the ship, he suddenly appeared in force at the gates of Madras. The presidency now thought proper to enter into a negotiation for peace, proposing a truce of fifty days for that purpose; but Hyder would grant a cessation of arms for seven days only, in which time articles of accommodation were signed, [April 3] and the conquests on both sides reciprocally restored. Previous to the knowledge of this event in England, the proprietors of East India stock, alarmed at its continual depression, and struck with the necessity of taking strong measures for the correction of abuses and mismanagement abroad, had determined to send out a committee of supervision to Bengal, with full authority to examine into and rectify the concerns of every department, and vested with an absolute power of controul over all the servants of the company in India. Mr. Vansittart, Mr. Scrafton, and colonel Ford, were nominated supervisors and sailed from England, in the Aurora frigate, the latter end of September; but by some unknown and fatal mischance, this ship never arrived at the place of her destination. The very great embarrassments in which the company were afterwards involved, and the steps taken by government for their relief and future regulation will be described in the next chapter.

XLIII. The accounts brought over from America in the course of the year, though not so immediately alarming as those from the East Indies, afforded but little prospect of future tranquillity in that quarter. As soon as the joint address of both houses of parliament on the subject of the disorders at Boston was published in the colonies, the assembly of Virginia came to several resolutions, asserting in very plain terms, the sole right of taxing themselves, the privilege of petitioning the sovereign for redress of grievances, the lawfulness of engaging other provinces to concur in such applications to the throne, and the injustice of having accused persons sent to be tried beyond the seas, which, they said, was highly derogatory to the rights of
of

of British subjects. They ordered their speaker to transmit copies of these resolutions to the different assemblies throughout the continent, and to request their concurrence. Next day, May the seventeenth, on being dissolved by the governor, lord Böttetourt, who could not connive at such proceedings, they voted themselves into a convention, and then signed an act of association against importing not only the taxed commodities, but wines and several other articles. The province of Maryland followed the example, in respect to the non-importation agreement; and the North Carolina assembly adopting, by an express vote, all the other resolutions, were dissolved by governor Tryon. The very first step taken by the general court of Massachusetts's Bay, when called together in the summer according to their charter, was to present an address to governor Bernard for the removal of the naval and military force stationed in the town and harbour of Boston. He told them, he had no such authority; and as they refused to proceed to business, while surrounded with an armed force, he adjourned the court to the town of Cambridge; soon after which they passed resolutions similar to those of Virginia, and a vote, "that the sending an armed force into the colony, under the pretence of assisting the civil power, was highly dangerous to the people, unprecedented, and unconstitutional." Being called upon by the governor to declare, whether they would or would not make provision for the troops agreeably to the injunctions of the act of parliament, they answered, that it was inconsistent with their honour, their interest, and their duty, to provide funds for any such purpose. Upon this the governor prorogued them to the tenth of January following, in order to give time for the abatement of their violence, and for the operation of lord Hillsborough's letter on the intended repeal of some obnoxious taxes. The motives, by which the ministry were influenced in resolving upon such a measure, have been already explained; and as the wished

wished to be enabled to speak with some confidence of its probable effects, before they submitted it to the consideration of the legislature, the parliament which was to have met in November, was farther prorogued to January.

XLIV. In the mean time a very serious object of domestic concern exercised the vigilance and wisdom of government. A contagious distemper, which had spread its ravages among the horned cattle in the United Provinces, during the summer and autumn, broke out in England at the approach of winter, and excited very alarming apprehensions. The mortality abroad had been dreadful beyond example, almost three and thirty thousand having been swept away by the disease in the course of five months in the districts of North and South Holland alone. No precaution had been neglected to prevent the infection from reaching the British coast; and upon the first notice of its actual appearance, immediate directions were issued, by the advice of the privy council, for every step to be taken that appeared most capable of checking its farther progress. The evil was so effectually stopt by these means, that many persons afterwards doubted the reality of its existence.*

XLV.

* In order to prevent the possible disappointment of some readers at seeing this year's history closed, without any account of the Stratford jubilee, it may be proper to observe, that the mayor, aldermen, and burgeses of Stratford-upon-Avon, the place of Shakespeare's nativity, having presented Mr. Garrick with the freedom of their corporation in a box made from a mulberry tree "undoubtedly planted," as they said, "by Shakespeare's own hand," the first of actors readily concurred in and promoted the plan of a septennial jubilee in honour of "the first of poets." It was celebrated at the birth place of the immortal bard in the beginning of September; and Warwickshire was for several days crowded with almost all the people of taste, rank, fashion, and opulence in the kingdom. Poor Foote, who was left to play to empty benches in the Haymarket, gave vent to his vexation in the following satirical

1770. XLV. At the opening of the session on the ninth of January, his majesty took notice of the endeavours he had used to check the instant danger of the spreading of the contagion; and earnestly recommended to parliament the consideration of some more permanent measures for securing the kingdom against so great a calamity: he then touched upon some topics concerning the disturbances in the north of Europe, and still expressed a strong hope that they would not extend to any part, where the security, honour, or interest of the nation might make it necessary for his crown to become a party: he lamented the unwarrantable steps taken in some of the colonies to destroy the commercial connection between them and the mother country; but thought it needless to press so important an object on the attention of both houses: he concluded with pointing out the happy consequences that must flow from their cultivating that spirit of harmony, which became those who had but one common object in view, the true interest of their country.

XLVI. The members of the opposition seemed quite disappointed at the silence observed in the speech with regard to the petitions which they had taken so much pains to procure. But they availed themselves of the opportunity afforded by the usual motion for an address, to introduce their favorite subject; and proposed an amendment, "to assure his majesty that

rical account of the festival. "A jubilee, as it hath lately appeared, is a public invitation, circulated and urged by puffing, to go post without horses, to an obscure borough without representatives, governed by a mayor and aldermen who are no magistrates, to celebrate a great poet whose own works have made him immortal, by an ode without poetry, music without melody, dinners without victuals, and lodgings without beds; a masquerade where half the people appeared barefaced, a horse-race up to the knees in water, fire-works extinguished as soon as they were lighted, a gingerbread amphitheatre, which, like a house of cards, tumbled to pieces as soon as it was finished."

they

they would immediately inquire into the causes of the discontents that prevailed in every part of his dominions." This produced long debates which were carried on with great acrimony, but with no other effect than that of discovering a few remarkable desertions from the ministry in both houses. The marquis of Granby, commander in chief of the forces, voted for the amendment in the commons, and recanted his former opinions in favor of colonel Luttrell, which, he said, arose from his not having duly considered the nice distinction between expulsion and incapacitation. The marquis's candour was warmly applauded by the party to whom he became a proselyte, and on whose account he resigned all his places, except the regiment of Blues. But he did not long enjoy their applause, as he died a few months after, with a character very amiable in private life, highly esteemed in his military profession, though without any pretensions to that political sagacity, that vigour of understanding, and extent of information, which are of so much importance in the cabinet. The ministry felt the loss of lord Camden much more severely. He joined his friend the earl of Chatham, who moved the amendment in the house of lords, where, however, it was negatived by a great majority. Mr. Charles Yorke, attorney general, son of the late lord chancellor Hardwicke, a man of the highest professional ability, accepted the great seal at his majesty's request; and a patent was immediately ordered for his elevation to the peerage, by the title of lord Morden. But in consequence of his death, which suddenly happened three days after*, the seal was put into commission till the beginning

* The cause of his death was a subject of much controversy at the time. Those who were best acquainted with the fact, declared that it was owing to the rupture of a vessel inwardly; others as positively asserted, that having, contrary to a promise he had made his brother, accepted of the seals at the king's request, and being afterwards refused admission to that

beginning of the next year, when it was given to judge Bathurst, lord Mansfield, in the mean time, officiating as speaker. A vacancy of the latter kind having been occasioned in the commons, at the very same juncture, by sir John Cust's illness, which soon terminated in his death, two candidates were put in nomination, sir Fletcher Norton by lord North, and the right honourable Thomas Townshend by lord John Cavendish. In this trial of parliamentary strength, the minister's friend was chosen by a majority of 237 to 121. Before the end of the month the duke of Grafton resigned, but not in disgust. On the contrary, he declared that he would still continue to support the measures of administration; and he kept his word. Lord North took his place at the head of the treasury, without relinquishing his former office of chancellor of the exchequer. These changes were followed by some others. The earl of Bristol chusing the tranquil post of first lord of the bedchamber, vacated by the earl of Huntingdon, the privy seal was delivered to the earl of Halifax: Mr. Dunning, the solicitor general, resigned that employment to Mr. Thurlow, a barrister then rising into consequence; and one of the vacant seats at the admiralty board was filled by Mr. Charles Fox, who had just begun to attract public notice by an early display of his astonishing talents.

XLVII. The failure of the proposed amendment did not discourage the leaders of opposition from renewing again and again their loud complaints of national grievances, and particularly of the invaded freedom of election. The various motions on this head, which they made in both houses, however diversified in form, were substantially the same; and as parliament had frequently considered and rejected such motions, it was plain that the giving them a new shape must have been that brother, when he wished to explain the motives of his acceptance, he was so agitated, and so unable to endure the torture of his own reflections, that he put a period to his existence.

with

with a view of harassing ministry, and of not only keeping alive the spirit, but aggravating the fury of discontent among the people*. In one of the debates, lord Chatham, after affirming that the constitution was violated, expressed a wish, if the breach was not repaired, "that discord might prevail for ever." He even went so far as to justify resistance in express terms, and said, "that old as he was, he hoped he should see the question brought to issue, and fairly tried between the people and the government." It was not long before he was gratified by some advances of that kind on the part of the corporation of London.

XLVIII. On the fourteenth of March, Mr. Beckford, then a second time lord mayor, attended by the sheriffs, a few of the aldermen, and a great body of the common council, with a prodigious mob, went to St. James's, and there presented to the king what was called *the HUMBLE address, remonstrance, and petition of the city of London*, though written in a strain of the most daring and unparalleled insolence. It stated, that the complaints made in a former petition remained unanswered, and that the injuries were confirmed; that the only judge removable at the pleasure of the crown had been dismissed from his high office for defending in parliament the laws and the constitution; that under the same secret and malign influence, which through each successive administration had defeated every good, and suggested every bad intention, the

* Any detail of those motions, or of the speeches with which they were introduced, would be tedious and uninteresting. It is for the same reason, that no notice is taken, in the above narrative, of Dr. Musgrave's examination before the house of commons in the early part of the session. He pretended to have obtained in France strong proofs that the English ministry had been bribed to make the peace in 1763. But though he had been preparing and retouching his story for five or six years, yet the whole of his information was voted to be in the highest degree frivolous, and unworthy of credit.

majority

majority of the house of commons had deprived the people of their dearest rights : that the decision on the Middlesex election was a deed more ruinous in its consequences than the levying of ship money by Charles the first, or the dispensing power by James the second,—a deed that must vitiate all the future proceedings of the parliament, as the acts of the legislature could no more be valid without a legal house of commons, than without a legal prince on the throne : that representatives of the people were essential to the making of laws ; that the present house of commons did not represent the people ; and that its sitting was continued for no other reason but because it was corruptly subservient to the designs of his majesty's ministers. The *bumble* petitioners concluded with reminding his majesty of his coronation-oath, and with assuring themselves that he would dissolve the parliament, and remove those evil ministers for ever from his council.—His majesty replied with great temper and dignity : “ I shall always be ready to receive the requests, and to listen to the complaints of my subjects : but it gives me great concern to find that any of them should have been so far misled, as to offer me an address and remonstrance, the contents of which I cannot but consider as disrespectful to me, injurious to my parliament, and irreconcilable to the principles of the constitution. I have ever made the law of the land the rule of my conduct, esteeming it my chief glory to reign over a free people. With this view I have always been careful, as well to execute faithfully the trust reposed in me, as to avoid even the appearance of invading any of those powers which the constitution has placed in other hands. It is only by persevering in such a conduct, that I can either discharge my own duty, or secure to my subjects the free enjoyment of those rights which my family were called to defend : and while I act upon these principles, I shall have a right to expect, and I am confident I shall continue to receive, the steady and affectionate support of my people.”

XLIX. A motion was made in the house of commons, on the following day, for a copy of the remonstrance, as

well as of his majesty's answer. This motion was carried by a majority of almost three to one, after a warm debate, in which the lord mayor, alderman Trecothick one of the city members, and both the sheriffs Townshend and Sawbridge, insultingly gloried in the part they had taken in that transaction. The papers having been afterwards laid before the house, and the journals and other records examined, fresh debates arose on a motion for an address to his majesty, and another for the concurrence of the lords, to testify the extreme concern and indignation which both houses felt at the language of the remonstrance, so little corresponding with the grateful and affectionate respect justly due to his majesty from all his subjects, and at the same time aspersing and calumniating one of the branches of the legislature, and expressly denying the legality of the present parliament, and the validity of its proceedings. The value and importance of the right of British subjects to petition were enlarged upon with rapture; but it was afflicting to see the exercise of that right so grossly perverted, by being applied to the purpose not of preserving, but of overturning the constitution, and of propagating doctrines, which, if generally adopted, must be fatal to the peace of the kingdom, and tended to the subversion of all lawful authority. The opposition to this address was equally outrageous and impotent: the loyalty and good sense of a considerable majority of both houses prevailed: the king received their grateful acknowledgment of his tender regard for the rights of his subjects with great satisfaction; and the unprejudiced part of the people were not less pleased with the confidence reposed in them by parliament, that they would reject with disdain every insidious suggestion of ill-designing men, whose real aim was to undermine public liberty, under the specious pretence of zeal for its preservation.

L. In the midst of this season of heat and discussion, which in a greater or less degree was extended to every corner of the kingdom, Mr. George Grenville brought in his famous bill for regulating the proceedings of the house

house of commons on controverted elections. He stated with his usual candour the abuses which had crept in, and the nature of the plan he proposed for their correction: Formerly, he observed, the trials of contested elections had been always by a select committee, chiefly composed of the most learned and experienced of the house; and whilst that custom continued, the litigant parties and the nation at large were generally well satisfied with the decisions. But, by degrees, the committees of elections having been enlarged, and all who came having voices; a shameful partiality prevailed: so that by way of remedy, while Mr. Onslow was speaker, the admirable order, with which he conducted himself, made such as wished for a fair trial of their cause, desire it might be heard at the bar of the house. This method, however, was found to be very defective and inconvenient. The number of the judges, which exceeded that of any other judicature in the world, and their being under no tie of oaths or honour to prevent any secret bias from operating on their minds, left full scope for the influence of friendship, importunity, and party connection. Custom and example gave a sort of sanction to injustice; and where so many were concerned, they not only kept one another in countenance, but every individual thought his share in the general guilt or reproach of partiality too inconsiderable to give him the least uneasiness. The trying of such questions at the bar was also an insuperable obstruction to all other public business; and especially in the first session of a new parliament, they took up so much time, that it was almost a matter of surprise how the house could attend to any thing else. Mr. Grenville's bill for remedying these evils was exactly founded on the constitutional idea of trials by jury. He proposed that when a petition complaining of an undue election was presented, and a day appointed for hearing its merits, against which the parties were to have their witnesses ready, the house on that day should be counted; and if one hundred members were not present, no other business should be gone into until that number assembled, at which time the names of the

members in the house were to be put into six urns, from each of which the clerk should alternately draw a name, to the number of forty nine: the sitting members and petitioners might also nominate one each. Lists of the forty nine were then to be given to the sitting member, the petitioners, their counsel, or agents, who, with the clerk, were to withdraw, and to strike off one alternately, beginning on the part of the petitioners, till the number was reduced to thirteen. These, with the two nominees, were to be sworn a select committee, impowered to send for persons, papers, and records; to examine witnesses; and finally to determine the matter in dispute.

LI. Such were the principal outlines of this excellent bill, which, though opposed by some of the ministry, was carried through both houses with irresistible vigour, and received the royal assent on the twelfth of April. In the debate on the third reading of the bill in the house of commons, the attorney general, Mr. de Grey, after endeavouring to shew that the proposed regulations were full of perplexity and impracticability on the one hand, and, on the other, of uncertainty and danger, concluded with an application of that sentiment in Hamlet's soliloquy, "that it were better to endure those evils of which we knew the extent, than, in a sudden start of disgust and humourfome passion,

"Fly to others, which we knew not of."

Mr. Wedderburne (who has since risen to the highest honours of the state) taking up the line of reasoning used by the attorney general, immediately continued the quotation, and began his speech by saying;

"And thus the native hue of resolution

"Is sicklied o'er with the pale cast of thought;

"And enterprizes of great pith and moment,

"With this regard, their currents turn awry,

"And lose the name of action.

"Thank God," continued Mr. Wedderburne, "this pale cast of thought hath not sicklied o'er the present house: they see and have a right spirit in acknowledging the evils which exist: they dare to look to the remedy proposed:

proposed: they see that it is enterprise of great pith and moment; and it will not lose the name of action.—Is this preaching to our fears the only resource which is left to the gentlemen who oppose this bill? They acknowledge the dangers; they see the very brink of the precipice which crosses our present track; and had rather we should sit still, helpless and inactive, totally at a stop in all action, than that we should strike into any other path: they acknowledge that there are other paths; but wherever reason, justice, honour, point and mark the way, there, in that very path, the most ingenious amongst them are employed to set bugbears and phantoms, not only of dangers that we know not of, but of dangers which do not, which cannot exist—of dangers which their ingenuity is at a loss even to describe.” He concluded with expressing a hope, “that, as the house was pleased with the bill, the minister would for once let them indulge their humour, especially as he must see that there would be some danger of a disgrace in crossing them.”—The majority in favour of the bill on this occasion was 187 to 145; and the minister declined opposing it any farther. At first the bill was made temporary, that in case the experiment did not succeed, it might expire of itself. But its good effects, when reduced to practice, became so evident, that, in four years after, an act was passed for rendering it perpetual. Some improvements have since been made in several of its clauses, but the principle is unalterably good; and it remains a lasting monument of the sound sense, integrity, and patriotism of its amiable author. As his parliamentary exertions ended with his life soon after the passing of this bill, it may be properly called his last legacy to the British nation*.

LII. Very few of the persons who were joined with Mr. Grenville in opposition to the ministry at that time, seemed desirous, like him, of sacrificing party considerations to public duty. Their efforts, during the whole

* Mr. Grenville took a share but in one debate after, and died on the first day of the succeeding session, Nov. 13, 1770. *MS. B. 3*

session, had no other tendency than to create confusion, to embarrass government, and so fully to occupy the time and attention of both houses in useless and violent discussions, as to leave very little opportunity for introducing matters of the greatest moment. Though permanent measures, for securing the nation against the return of such a calamity as the distemper among the horned cattle, had been recommended to the consideration of parliament in the speech from the throne; and though the lords and commons, in their respective addresses, had assured his majesty of their readiness to promote his salutary intentions; yet the subject was not afterwards resumed, except merely to pass a bill to indemnify persons, acting by order of council for preventing the spreading of that contagion. Even the affairs of the colonies, however pressing and important, were unavoidably postponed from the same cause, the constant succession of debates on the most inflammatory and incongruous propositions. It was not till the beginning of March, when any longer delay would have been extremely injurious to the usual spring exportations for the American market, that lord North moved the repeal of the obnoxious port duties of 1767, excepting the duty of three pence per pound on tea, with the continuance of which he thought the Americans could not be justly dissatisfied, as when that was laid on, another was taken off by a drawback of twenty five per cent. from the English duties allowed to the exporter. But his lordship's most plausible argument for retaining any part of an act, which he admitted to be inconsistent with the true spirit of commercial policy, was, that a total repeal would be ascribed by the colonists, not to the goodness, but to the fears of government; and would encourage them to make fresh demands,—to rise in their turbulence, instead of returning to their duty. “Has not fatal experience,” added his lordship, “proved this to be their disposition? We repealed the stamp-act, to comply with their desires; and what has been the consequence? Has the repeal taught them obedience? Has our lenity inspired them with moderation?—Can it be proper, while they deny our legal

legal power to tax them, to acquiesce in the argument of illegality, and, by the repeal of the whole law, to give up that power? By no means.—The properest time to exert our right of taxation is, when the right is refused. To temporize is to yield; and the authority of the mother country, if it is now unsupported, will in reality be relinquished for ever.”—There was something specious, though not conclusive, in this mode of reasoning. But when his lordship, in the ardour of debate, farther asserted, “that a total repeal could not be thought of till America was prostrate at our feet,” he went beyond the bounds of real dignity and good sense: he destroyed beforehand all the favourable effects of partial concession; and his *half* advances to regain the affections of America were unhappily converted into an insult on her feelings. This circumstance, however, did not prevent his proposal from being adopted, though it was opposed with unusual strength of numbers, as well as of argument. Governor Pownall’s speech in reply, in which he endeavoured to demonstrate the inefficacy of a partial repeal, and to enforce the necessity of extending it to the whole act, made such impression on the house, that an amendment conformable to this idea was negatived by a majority of only 62 in a division of 346 members. About a month after, alderman Trecothick gave the object of the amendment a new form, by moving for leave to bring in a bill to repeal the American duty on tea. But the question to go into the other orders of the day was carried by the ministry, on this ground, that the motion exactly aimed at doing in a bill what had before been attempted in an amendment; and that it was contradictory to a well-known rule of the house, to bring on again, in the same sessions, any thing which had already received a formal negative.

LIII. But the anti-ministerialists soon found means to renew with much greater asperity the debates on the subject of America, in consequence of some advices of a riot which had taken place at Boston in the beginning of March. It has been already intimated, that the arrival

in

in that town of some troops, towards the latter end of the year 1768, put a stop to the disorders which then prevailed there, and established what might be called a sullen and treacherous repose, rather than a perfect tranquillity. The malecontents were for some time awed by superior force; but this force being afterwards diminished by the departure of two of the regiments for Halifax, the spirit of turbulence and faction broke out upon several occasions. It was not, however, till the beginning of the year 1770, that any serious quarrel took place between the military and the inhabitants at Boston. The circumstances of this unfortunate affair have been described in the following manner. A private of the twenty ninth regiment passing along a public rope-walk, on Saturday the third of March, was provoked by very insulting words to engage a few of his comrades to fight the ropemakers. The battle being indecisive it was agreed to renew it on the Monday after. The populace in the interim being fully apprised of the intended encounter, assembled in great numbers, armed with clubs and weapons, at the time appointed; the bells also ringing an alarum, and violent clamours of *Town-born, turn out*, being heard in all parts of the city. The mob directed its course to Murray's barracks, and dared the soldiery by very offensive language to combat, which they were with great difficulty prevented from doing by the officers. At length retiring from those barracks, the populace having their ardour rekindled by inflammatory harangues, took another route, and marched in different divisions towards the main-guard. Captain Preston, the officer on duty, on the appearance of the frantic multitude who with oaths and menaces pressed in upon the guards, advancing to the very points of their bayonets, endeavoured by every effort to restrain the soldiers from violence. But a party, the most furious of the populace, in sailors habits, struck the guns down with their clubs; and a blow was aimed by one of them at Captain Preston; on which a confused noise of "Fire!" was heard; and several pieces being discharged, three or four persons were killed, and about
twice

twice that number wounded. The drums now beat every where to arms ; and the townsmen assembled to the amount of many thousands : but lieutenant governor Hutchinson at length making his appearance, they were prevailed upon by his persuasions and assurances of legal redress, to disperse, about midnight. Next morning, they collected again in vast bodies ; and the lieutenant governor assembling a council, was urged to issue his orders for the immediate removal of the troops. He said he had no authority for that purpose, as it was vested in the general at New York : but the council being unanimously of opinion, that it was necessary for his majesty's service, the good order of the town, and the peace of the province, the commanding officers of the two regiments consented to withdraw them to Castle William. The ferment began to subside on their removal, and on the commitment of captain Preston and some of his men to prison, in order to take their trial, as not having acted under the sanction of the civil magistrate*.

LIV. In a few days after the report of these transactions reached England, alderman Trecothick moved for copies of all narratives of any disputes or disturbances between the troops stationed in North America and the inhabitants of the colonies to be laid before the house, with copies also of the instructions sent out by administration relative to such disturbances. These papers, with a reserve of names and other particulars of material secrecy, being obtained, and read on the ninth of May, Mr. Burke took occasion thence to draw, or rather to linear over with the blackest colours of personal and political enmity, a frightful picture of the conduct of his majesty's ministers since the repeal of the stamp-act. He concluded a very long and violent declamation with proposing several resolutions of censure on the late measures of government with regard to the colonies. But all his "sound and fury" made little impression : he was supported in his vague charges only by the avowed tools of the party to

* They were all honourably acquitted, except two of the privates, who were found guilty of manslaughter.
which

which he belonged: the first of his resolutions was negatived by a majority of 197 to 79; and the rest were consigned to the like contempt, without any division. A debate on the same subject in the house of lords had nearly a similar issue, the question for adjournment being carried by 60 against 26. Next day, (May 19,) the business of the supplies and some other matters of immediate exigency being satisfactorily settled, the parliament was prorogued with the usual compliments from the throne, and with particular thanks to the commons for having judiciously provided for discharging a considerable part of the national debt, without laying any farther burthen on his majesty's subjects*.

LV. In this sketch of the most remarkable proceedings of the session, it might be improper to omit taking notice of a subject, though rather extraneous, which was introduced by Mr. Walsingham. It related to an extraordinary prorogation of the Irish parliament in December 1789. At the first meeting of that parliament about two months before, both houses seemed to vie with each other in their expressions of duty and gratitude to the throne, and of esteem and respect for the lord lieutenant. They also gave a proof of their sincerity by readily assenting to a bill for the augmentation of the forces; which had failed of success at the breaking up of the last parliament. But this sunshine of harmony between the governor and the governed was soon overcast. By the famous law passed in the reign of Henry VII. under the administration of sir Edward Poyning, and thence called Poyning's law, it was enacted, "That the lord lieutenant and council should, under the great seal of Ireland, certify to the

* The supplies voted by parliament for the service of the current year, and for redeeming one million and a half of $3\frac{1}{2}$ per cent annuities, did not amount to quite seven millions and a half; while the ways and means, agreed to by the house, were deemed sufficient, without any new tax, not only to provide for that expenditure, but to afford a surplus of three hundred and forty thousand pounds.

king

king and English privy council, the laws proposed to be passed in each succeeding parliament, in order to have the sanction of the great seal of England, previous to their being submitted to the Irish parliament for its assent or dissent." The rigor of this law, which jealous policy had too long considered as the chief bond of the dependence of the sister kingdom, was a little mitigated in modern times by the practice of introducing *Heads of a Bill* into the Irish parliament, in order, when the approbation of that assembly was obtained, to be transmitted to England under the usual forms. The old method, however, was always revived at the beginning of every parliament, in order to keep up the claim of the privy council, and it had been repeatedly submitted to, though not without violent altercation. In conformity to this practice, a money bill certified by the privy council of Ireland, and sanctioned by the seal of Great Britain, was brought into the Irish house of commons, but did not meet with the usual success there. A very considerable majority maintained, that Poyning's law, and other subsequent statutes by which that law was modified and enforced, made no specific mention of money bills, which might therefore by just inference be supposed excepted. They said, that if the granting of money for the support of government was not vested in the commons, they could no longer be considered as representatives of the people, but merely as registers of the edicts of the privy council. The bill was accordingly rejected; and in the vote for the rejection, the reason assigned was its not having originated in the house of commons. This objection did not impede the national supply: another money bill was passed in the usual form, in the most liberal manner, and with the greatest unanimity. The lord lieutenant, though he acknowledged the liberality of the grant, protested against the right claimed by the house of commons, and endeavoured, but in vain, to enter his protest upon their journals. The commons would not permit this violation of their privileges; but the lords were not equally inflexible. After much opposition and debate, his excellency's
potest

protest was recorded in the journals of the peerage.—The parliament was immediately prorogued in anger, and with much inconvenience to the public; and such proceedings having become the subject not only of conversation, but of alarm in England, Mr. Wallingham and some other gentlemen of the same party moved for an inquiry into the causes of that measure, and the circumstances attending it,—an inquiry, which, they said, was the more necessary at this juncture, as the afflicted country of Ireland could not now obtain reparation from her own parliament, but must trust to the wisdom, the justice, the liberality of an English house of commons, and its coercive power over ministers in every part of the British empire. Lord North opposed the motion, which was rejected by a majority of more than two to one.

C H A P. VI.

I. Fond Hopes of the Ministry disappointed by another Remonstrance from the City of London; with the King's Answer, and Beckford's Reply. II. View of Mr. Wilkes's political Career, after his Discharge from the King's Bench Prison. III. Dispute with Spain relative to Falkland's Islands. IV. General Expectation of a War strengthened by a Variety of other Circumstances. V. The English forcibly expelled from the Settlement at Port Egmont. VI. The Calamities of War averted by a judicious Union of Delicacy and Spirit. VII. Some Alterations in the great Offices of State during the Christmas Recess. VIII. Debate on the Spanish Convention. IX. The real Concerns of the Public absorbed in the petty Factions of Individuals. X. Intercourse of Civility between both Houses broken off, and their Doors shut against Strangers. XI. Proceedings of the Commons against Printers; and Commitment of the Lord Mayor, and of Alderman Oliver to the Tower. XII. Bill for disfranchising the Members of the Christian Club at New Shoreham. XIII. Good Effects of the Embankment near Durham Yard. XIV. More Remonstrances to the Throne from the City of London. XV. Picture of the national Happiness at this Period. XVI. Augmentation of Seamen. XVII. Other salutary Measures sanctioned by
the

the Legislature; and a select Committee appointed to inquire into the State of the East India Company's Affairs. XVIII. Unsuccessful Attempts to enlarge the Sphere of religious Liberty. XIX. Act for restraining the future Marriages of the royal Family. XX. Carolina Matilda falls a Victim to the Intrigues of the Queen Dowager of Denmark. XXI. Extraordinary Revolution in Sweden. XXII. Changes in the British Ministry, but neither tending to affect their internal Strength, nor their outward Conduct. XXIII. Committee of Secrecy; East India Loan Bill; and other Regulations. XXIV. Causes of the astonishing Embarrassments of the Company explained. XXV. Charges brought against Lord Clive; his Acquittal; and Suicide. XXVI. Bill for the better Management of the Company's Affairs, as well in India as in Europe. XXVII. Summary of the other Proceedings of the Sessions; with an Account of the Expedition against the Caribbs in the Island of St. Vincent. XXVIII. Alarming Events in America, and particularly at Boston. XXIX. Measures adopted by Parliament for maintaining the Authority of Great Britain over the Colonies. XXX. Effects of the Boston Port Bill, and of the subsequent proceedings of the general congress at Philadelphia. XXXI. Candour of the Ministry in taking the Sense of the Nation on a Subject of such Magnitude and Importance, by dissolving the Parliament at this juncture. XXXII. Debates of the new Parliament on different Plans of Lenity and Coercion, with Remarks on the military Furore of the Americans, and the rapid Advances made by both Parties to the Crisis of a dreadful Struggle.

I. **A**FTER having weathered so severe and stormy a season with unremitted exertions, it was natural for the ministry to expect some little interval of calmness and repose. But if they amused themselves with these fond hopes, they were very much disappointed. In four days after the rising of parliament, the throne was assailed with another remonstrance from the city of London, still more reprehensible than the former, converting an humble request into an imperious dictate, and urging the dissolution of parliament and the removal of his majesty's

ministers as the only means of reparation that were left for the injured electors of Great Britain. As it also contained some very disrespectful strictures on the king's answer to the late address, his majesty was again reduced to the painful necessity of declaring, that he should have been wanting to the public, as well as to himself, if he had not expressed his dissatisfaction at such an address; and that he should ill deserve to be considered as the father of his people, if he could suffer himself to be prevailed upon to make any use of his prerogative, which he thought inconsistent with the interest, and dangerous to the constitution of the kingdom. Mr. Beckford, who presented the remonstrance, and who might easily foresee the manner in which it would be received, begged leave to answer the king. The request, though unprecedented, was complied with, as it could not be imagined that the lord mayor would abuse such an instance of the gracious condescension of his sovereign. But the opportunity was too flattering to Beckford's democratic pride: he repeated the heads of the remonstrance, beginning, as that did, in a strain of affected humility, and concluding with this bold assertion, "that whoever had already dared, or should hereafter endeavour, by false insinuations and suggestions, to alienate his majesty's affections from his loyal subjects in general, and from the city of London in particular, was an enemy to his majesty's person and family, a violator of the public peace, and a betrayer of our happy constitution, as it was established at the glorious and necessary revolution." The dignity of the throne was well sustained by a total disregard of such presumptuous language. But the wild applause of the city mob made Beckford ample amends for being dismissed from the royal presence with silent contempt. That turbulent old man, though tottering towards the brink of the grave, seemed to feel no other desire than that his passage thither should be illuminated by the torches of sedition. He died in less than a month after having made this boasted speech; and the dupes of his mock-patriotism erected a statue to his memory.

H. A little before this event, Mr. Wilkes was discharged from the King's Bench prison, the term of his confinement having expired; and securities being given for his future good behaviour. The committee of *the supporters of the bill of rights*, as they called themselves, who had received subscriptions for his relief from different parts of the kingdom, and even from America,* compromised all his debts which amounted to very near twenty thousand pounds, besides supplying him with a thousand pounds for his maintenance, paying off his two fines of five hundred pounds each, and defraying the expences of his three last elections for Middlesex which did not fall much short of two thousand pounds. But these were not the only fruits which Mr. Wilkes reaped from his audacity and impostures, as well as from the prevalence of faction, the inconceivable folly of the multitude, and the ill-timed, though highly provoked severity of government. A single glance at his farther progress will be sufficient to illustrate this remark. The week after his release from prison, he was admitted alderman of Farringdon Without: he then rose, at very short intervals, to the honours of sheriff in 1771, and of lord mayor in 1775: his next care was to secure for himself the more lucrative and permanent office of chamberlain: in the year 1774, he and his friend serjeant Glynn were returned for Middlesex without any opposition: in 1780, he was re-chosen for the same county; and in 1783, upon a total change of ministry, he succeeded in a motion for having all the declarations, orders, and resolutions of the house of commons respecting his former incapacity and the decision in favour of colonel Luttrell, expunged from the journals. The close of his political career did not prove

* The assembly of south Carolina voted £. 1500 to this fund; and the committee, in their letter of thanks for the favor, took care, among other inflammatory suggestions, to hint that the parliament, as then constituted, had *no right* to levy taxes either in England or America, and that "demands which were made without authority, should be heard without obedience."

quite so flattering to his vanity. When he ceased to be a supposed object of persecution, he quickly sunk, as Mr. Grenville had justly predicted, into his original insignificance. At the general election in 1790, he met with the most scornful and humiliating rebuff from that very county, and those very people of whom he had been so long the idol. But, to use his own metaphor, his nest was then so well "feathered with the pluckings of his favorite goose," that he could easily console himself for the loss of unmerited popularity.*

III. The tumultuous joy of the rabble on having Mr. Wilkes once more let loose amongst them, and on Mr. Beckford's fancied triumph over majesty itself, had scarcely subsided, when the attention both of the public and of government was called off to an object of much greater moment, the probability of a rupture with Spain. A frigate from the southern ocean, which arrived at Plymouth on the third of June, brought advices of a formal warning given by the Spaniards to the English to quit a settlement lately made at Falkland islands, though sanctioned by the double right of discovery and possession.—These islands, which are situated at a small distance from the southern extremity of America, were first observed by captain Davies in the year 1592, but did not receive their present name till the reign of William III. They were afterwards visited by some ships belonging to St. Maloes, whence they were called the Malouines by the French, rather from an impulse of national vanity, than from any conviction of the validity of their title. The rigour of the climate, the sterility of the soil, and the exposure of all the islands on that coast to almost perpetual storms even in the summer months, were such discouraging circumstances, that above a century and a half elapsed before any European nation attempted to make a settlement there. It was first remarked by lord Anson, on his return from his famous voyage round the globe in 1744, that the possession of a port to the southward of the Brazils would be of signal service to future navigators

for refitting their ships, and providing them with necessaries, previous to their passage through the straits of Magellan, or the doubling Cape Horn; and among other places eligible for this purpose, he specified Falkland islands. About ten years after, on his lordship's advancement to the head of the admiralty, a plan in conformity to his ideas was on the point of being carried into execution; but strong remonstrances against it being made by the king of Spain under the old pretence of his exclusive right to all the Magellanic regions, the project, though not expressly given up, was suffered to lie dormant. It was revived in the year 1764, under the auspices of lord Egmont, who then presided at the admiralty board, and by whose advice commodore Anson being sent out to take possession of those islands, executed the order with the usual formalities; made a settlement; and erected a small fort in the vicinity of a commodious harbour, to which the name of port Egmont was given. It happened that about the same time a settlement had also been made, and a fortress erected by the celebrated French navigator M. de Bougainville on another of those islands to the eastward of the English settlement, under the name of St. Lewis. But in consequence of the representations of the court of Madrid to the court of Versailles, this was yielded up in 1766 to the Spaniards, who changed its name to that of port Solidad. Towards the close of the year 1769, captain Hunt of the Tamer frigate, cruising off the islands, fell in with a Spanish schooner belonging to port Solidad, and, agreeably to what he conceived to be his duty, charged the commander of the schooner to depart from that coast, as it was the property of his Britannic majesty. The schooner obeyed; but soon returned with an officer on board, bringing with him a letter from the governor of Buenos Ayres, addressed to captain Hunt, in which the governor in his turn warned the captain to depart from a coast belonging to the king of Spain; but on the supposition that captain Hunt's touching at these islands was merely accidental, the governor expressed his earnest desire to shew him all possible civilities. Captain

Hunt in reply again asserted his sovereign's right with some warmth, and threatened to fire into the Spanish schooner, upon her attempting to enter the harbour. This produced a long altercation by letters between the captain and governor, during which two Spanish frigates, with troops on board for their settlement, arrived at Port Egmont, under pretence of wanting water. The commander in chief wrote to captain Hunt, expressing great surprise at seeing the usual appearances of an English settlement there, charging him with a violation of the last peace, and protesting against the act in all its parts, at the same time declaring that he would abstain from any other proceeding, till he had acquainted his Catholic majesty with this disagreeable transaction. Captain Hunt repeated his former arguments on the question of right; but as soon as the Spanish frigates, after receiving a supply of water, proceeded on their course, he set sail for England, in order to inform government of what had taken place, not thinking it advisable to run any farther risk on his own authority. Two small sloops, the Favorite, captain Maltby, and the Swift, captain Farmer, formed the whole force that remained upon the station; and the latter of these was soon after overlet in the straits of Magellan, but the captain and the rest of the crew, except three, were fortunately saved.

IV. When captain Hunt's advices were laid before the public, they excited no small alarm; for though the Spaniards had not made use of any hostile menaces in direct terms, yet their warning him to quit that coast was generally considered as preparatory to a formal declaration of war. This opinion was farther strengthened by a variety of other circumstances. Spain had been for some time very attentive to put her West India possessions in the best posture of defence, and a formidable armament was known to be fitting out at the Havannah. Vigorous preparations were making in the French and Spanish ports at home; and though these might have been more immediately occasioned by the jealousy arising from the progress of the Russians in the Levant, they did not appear

to indicate a very friendly disposition towards Great Britain. A fire also which broke out at this juncture in Portsmouth dock-yard, and which in its consequences might have greatly obstructed any sudden maritime efforts*, was looked upon as part of a settled plan for the ruin of the British navy. Many persons fancied they could trace in it the deep-laid design of an insidious and inveterate enemy, whose ambition had ever been boundless, and had in general been but little restrained either by the laws of honour or of nations, when they interfered with the gratification of it. In the midst of these fears and suspicions, the British government acted with great discretion, neither neglecting the proper means of asserting its right, nor precipitately plunging the nation into any vast or unnecessary expences. It was resolved in the cabinet that firm, yet temperate representations on the subject should be made to the court of Madrid; and orders were in the mean time issued for the manning and equipment of sixteen sail of the line.

V.. While things were going on in this train, the Favorite, one of the sloops which had been left at Port Egmont, arrived off the Mother-bank near Portsmouth, on the twenty second of September, and brought intelligence, that soon after captain Hunt's departure, five Spanish frigates, and some smaller vessels, with all the apparatus necessary for a regular siege, appeared before Port Egmont. Captain Farmer, the commandant, made some preparations at first to defend the place, but finding it utterly untenable, submitted, after a few shots were fired, to a capitulation, by which he and the garrison were allowed to evacuate the settlement, and to carry with them what stores they could, the governor of Solidad being made answerable for the remainder. The Spanish commodore, not chusing however that very early intelligence of this

* The loss was estimated at one hundred and fifty thousand pounds; but this, though considerable, was comparatively nothing to the consequences that must have ensued, if it had not been for the speedy and powerful assistance that was given. outrage

outrage should be conveyed to England, enjoined the two captains Farmer and Maltby not to sail without his permission; and in order to ensure compliance, caused the rudder of the Favorite to be taken off and kept on shore for twenty days, when it was restored, and the sloop permitted to depart.

VI. It is astonishing with what indignation the whole kingdom seemed to be inflamed at this insult on the British flag. The perseverance of the ministry in their former steady measures was too hastily condemned; and the necessity of immediate vengeance insisted upon, without considering that a just and forcible remonstrance might induce the king of Spain to disavow the behaviour of his officer, and that a short negotiation might happily prevent the miseries and horrors of a long and ruinous war. All these evils were in fact averted by a judicious union of delicacy and spirit. The speech from the throne at the meeting of parliament, on the thirteenth of November, informed the nation, that satisfaction for the injury had been demanded from the court of Spain; that, in case of refusal, necessary preparations were making to enforce the demand; and that they would not be discontinued till proper reparation was obtained, as well as unequivocal proof that other powers were equally sincere with his majesty in the resolution to preserve the general tranquillity of Europe. The addresses of both houses on this occasion, in spite of all the efforts of faction and malevolence, contained the most hearty approbation of the steps which had been taken by his majesty, with assurances of effectual support in the progress of such an important affair. Supplies for the augmentation of the army and navy were cheerfully voted; and the increase of the land tax from three to four shillings in the pound met with no great opposition.

1771. VII. Though the language of the Spanish ministry, on the very first remonstrance, was condescending and pacific, yet unexpected obstacles arose in the course of the negotiation, which rendered their sincerity somewhat questionable. As the doubts of the English cabinet

net on this head had greatly increased before Christmas, it was deemed advisable to adjourn parliament till the latter end of January, to allow time for determining the grand question of peace or war, and that the minister might then be enabled to announce decisively on the alternative. Lord Weymouth having resigned the office of secretary of state for the southern department, the correspondence with Spain was now carried on by his successor, the earl of Rochford, whose place in the northern department was filled by lord Sandwich. But the latter being soon after removed to the head of the admiralty, in the room of sir Edward Hawke, the secretaryship for the north was conferred on lord Halifax, who gave up the privy seal to the earl of Suffolk. The great seal was taken out of commission, and given to judge Bathurst; and Mr. de Grey was appointed chief justice of the Common Pleas. Some other changes took place about the same time; and several of the late Mr. Grenville's friends were introduced into office; by which the ministry gained no inconsiderable accession of talents, as well as of numbers.*

VIII. But lord North was enabled to face parliament with still more confidence, having accomplished the grand object for which the recess had been protracted to a greater length than usual. The very day the commons met after their adjournment, (Jan. 22.) he informed them, that the Spanish ambassador had that morning signed a declaration, with which his majesty was satisfied, and which should be laid before the house. The like information was communicated to the lords by the earl of Rochford. After the papers relative to this affair had been submitted to the inspection of both houses, warm

* It was at this juncture that Mr. Thurlow was appointed attorney general, and Mr. Widderburne solicitor general and cofferer to the queen. A few days before the promotion of the former, his patron, the duke of Bedford died, and was succeeded in the honorary office of chancellor of the university of Dublin by his royal highness, the duke of Gloucester.

debates

debates arose on the terms of the Spanish declaration, which the members of the opposition asserted to be inadequate and insecure, because though it contained an explicit disavowal of the violence used at Port Egmont, and an engagement to restore every thing there precisely to the state in which it was before the tenth of June 1770, it still left room for future disputes, by adding "that his Catholic majesty did not consider this restitution as any wise affecting the question concerning the prior right of sovereignty of the islands." But addresses of thanks and approbation were concurred in by a majority of almost three to one in the lords, and of nearly two to one in the commons. They affirmed that the atonement made for the aggression was as ample as could justly be required*; and that ministers would have been in the highest degree reprehensible, had they involved the nation in a war for the sake of so insignificant an object as the reserved pretensions of Spain to one or two barren spots under a stormy sky in a distant quarter of the globe. The possibility of a similar dispute was wisely precluded by the total evacuation of that settlement about three years after.

IX. The other proceedings of parliament during this session, which ended the eighth of May, afford very few subjects of interesting detail. Continual disappointment served only to irritate more and more the Pitt and Buckingham parties, and made them renew their attacks on administration in an infinite diversity of forms. It would be equally painful and useless to give a sketch of debates which did not lead to any one important measure, and in which the real concerns of the public were evidently absorbed in the petty factions of individuals. Even the hopeless affair of the Middlesex election was revived, and motions were made for addressing the King

* It is not indeed likely that Spain would have proceeded so far in the way of atonement, had France been able and willing to join her in the war. The weakness of the latter was, in all probability, one of the chief persuasives to concession on the part of the former.

to dissolve the parliament, though the sole end of such motions was to render the house of commons odious in the eyes of the populace, and to encourage a repetition of insolent remonstrances. Similar endeavours were used to bring the courts of law into contempt, and to spread abroad a dangerous opinion that the constitutional essence of trials was destroyed by the corruption or servility of the judges, and that the right of juries in particular to examine into the innocence or criminality of pretended libels had been restrained by illegal dictates from the bench. Public curiosity was greatly excited by an altercation on this subject between lord Camden and lord Mansfield in the house of peers; but after the boldest challenge given on one side, and as resolutely defied on the other, both parties seemed disposed to bury the matter in eternal silence.

X. A motion made in the early part of the session, by the duke of Manchester, for an address to quicken warlike preparations, and to send without loss of time necessary succours to Gibraltar and Minorca, was attended with some disagreeable consequences. As the mover's chief aim was to expose what he called the criminal negligence of administration, and as it appeared from the introductory part of his speech that many things highly improper to be divulged might be brought forward in the debate, he was suddenly interrupted, and the standing order for clearing the house of strangers was enforced, in the midst of great clamour and confusion. The earl of Chatham and seventeen or eighteen more of the same party were so much irritated at this prudent check on the publicity of their harangues, that they withdrew in a body. Some members of the house of commons, who happened to be attending with a bill, were rather rudely dismissed, after they had gone through the form of its delivery. On their return to their own house, where they found most of the seceding lords, they complained of the indignity of the treatment they had met with, and caused it to be immediately retaliated, by turning out those very lords, and clearing the
the

the house of all persons who had not a right to sit there. Other methods of shewing their resentment were proposed by some of the most violent ; but their angry suggestions were over ruled by the good temper of the majority*. The former intercourse of civility between the two houses was not, however, restored during the remainder of the sessions.

XI. One of the ends proposed in continuing to keep the doors of both houses of parliament shut against strangers was to prevent the debates from being laid before the public, mangled and disfigured in the news papers and other periodical works, which had been for some time practised, but which immediately after was carried to a degree of licentiousness before unheard of. Formal complaints having been at length made in the house of commons against two of the printers, Wheble and Thompson, they were summoned to appear at the bar of the house to answer the charge. As the printers took no notice of this summons, a second order was issued and declared to be final. No more regard being paid to the second order than to the first, a motion was made and agreed to, that they should be taken into the custody of the serjeant at arms. But the parties having absconded,

* One of the debates on this subject led to a duel between lord George Germaine and governor Johnstone. The former, then a member of the house of commons, having asserted that a particular regulation he proposed " was for the honour of the nation, in which," he said, " he greatly interested himself,"--the other replied with very illiberal asperity, " that he wondered that gentleman should interest himself so deeply in the honour of his country, when he had been hitherto regardless of his own." Satisfaction being demanded for so gross an affront, both parties met in Hyde Park ; but after exchanging two shots on each side without effect, the seconds interposed, and the affair was amicably terminated. Governor Johnstone afterwards declared to his friends, "that he never saw a man behave with more courage and coolness than lord George did on this occasion," a pro-

a proclamation appeared offering a reward of fifty pounds for apprehending them. In the mean time, six other printers were for similar offences summoned to the bar of the house, five of whom, obeying the summons, were reprimanded and discharged; and the remaining delinquent, Millar, was ordered to be taken into custody for contempt of the notice given him. Wheble being apprehended in consequence of the proclamation, and carried before Mr. Wilkes the sitting alderman at Guildhall, was discharged, and bound over to prosecute the person who apprehended him. Thompson also was apprehended, and discharged in the same manner by alderman Oliver. Millar, being taken into custody by the messenger of the house of commons at his own dwelling, was carried before the lord mayor (Brass Crosby) and the aldermen Wilkes and Oliver at the Mansion house. The deputy serjeant at arms attending to demand the prisoner, the legality of the warrant was denied, and the printer not only discharged, but the messenger of the house, on pretext of a false arrest, ordered to be committed to prison, in default of bail, which was at first refused, but at length reluctantly given. The thanks of the corporation of London were voted to the three magistrates; but two of them, the Lord mayor and alderman Oliver, being members of the house of commons, incurred its severest censure for such a daring opposition to its authority. Every part of their proceedings was voted to be a breach of privilege: the lord mayor's clerk, having attended with the minute-book, was obliged to erase the recognizance of Whittam the messenger; and, after several hearings on the subject, the two magistrates, instead of concession or apology, resolutely persisting in the justification of their conduct, they were committed prisoners to the Tower. Mr. Wilkes had also been ordered to appear at the bar of the house; but in a letter which he addressed to the speaker, he said he could attend only in his place as member for Middlesex. The house, unwilling to give him fresh consequence by a renewal of former severities, ordered another summons for the eighth

of April, and at the same time appointed the ninth as the first day of meeting after the Easter recess. The lord mayor and Mr. Oliver remained in the Tower till the rising of parliament when their liberation was celebrated by the tumultuous rejoicings of the populace.

XII. Among the bills that received the royal assent on the last day of the session, there were two which particularly engaged the attention of the public. One was a bill for disfranchising several electors of New Shoreham in Sussex, and for extending the right of voting to the contiguous hundreds. It appeared in evidence before the select committee, appointed under the Grenville act to try the merits of the late election for this borough, that a great number of the freemen had formed themselves into a society under the name of "the Christian Club." This Christian club, notwithstanding its pious appellation, was no better than a mart of venality. A junto was appointed to dispose of the borough to the highest bidder. These agents of corruption did not vote themselves, but gave the necessary orders to the rest of the society; and after the election was decided, the profits were shared equally amongst the whole. The spiritual and constitutional tendency of the bill for incapacitating all the members of such an infamous club were highly and deservedly applauded.

XIII. The other bill above alluded to, though it had for its object another matter of the most evident utility, was added by the corporation of London to their old catalogue of intolerable grievances. It was an act for enabling certain persons to inclose and embank part of the river Thames adjoining to Durham Yard. Every body who has had an opportunity of examining the good effect of this embankment, in improving the navigation of the river, increasing the rapidity of the stream, and, above all, laying the foundation of that magnificent pile of buildings called "the Adelphi," must feel the utmost astonishment, that a set of men, assuming the title of patriots, could have violently opposed the progress of such a bill through both houses,—could have exerted all their influence

influence to procure petitions against it as an invasion of the property claimed by the city in the soil or bed of the river,—and could have the shameless effrontery to publish to the world, that it was an act which tended not only to increase, but to “justify the general want of confidence in the parliament,” by whom it was passed.

XIV. At that period the freemen of London seemed to have suspended all exercise of their own will, as well as of their own reason; and while they flattered themselves with the idea of setting an example of public spirit to the whole kingdom, they were in fact the abject, senseless tools of a few factious demagogues. After Mr. Beckford's death, Crosby, Sawbridge, Townsend, Wilkes, and Oliver succeeded to the ostensible direction of all the city proceedings. In the first month of Mr. Crosby's mayoralty, another remonstrance in the usual strain, and the third of the kind delivered the same year, was agreed to, chiefly through alderman Sawbridge's persuasions. It was little more than the renewal of the former complaints and the former requests, accompanied with a very *bumble* hint, “that the good effects of his majesty's innate goodness had been intercepted by a fatal conspiracy of malevolent influence round the throne.” His majesty, however, told the remonstrants, “that he could not comply with the prayer of their petition, as he had no reason to alter the opinion expressed in his answer to their last address on the subject.” The beginning of Mr. Crosby's mayoralty was distinguished by another strong proof of disaffection to government. Though the manning of the navy, on the eve of an expected rupture with Spain, was the first and most important concern of the state, he refused to back the press-warrants issued for that purpose; and sought to screen himself from the indignation of all real friends to their country, by alledging that the ready concurrence of his official predecessors in the like measures did not remove his doubts of the legality of the practice, and that the city-bounty for the encouragement of seamen was intended to prevent such violences. Alderman Wilkes had just before discharged an

impressed man; and this at a time when "the rotten condition of the navy, the defenceless state of the British dominions, and the inevitable necessity of going to war," under all these disadvantages, were the constant themes of seditious declaimers. The affair of the printers afforded the lord mayor a fresh opportunity of holding himself out as the champion of the city charters. During the debates in parliament on his and Mr. Oliver's conduct, all the avenues to the house were frequently crowded with turbulent mobs, and the lives of several of the ministry were endangered. After the commitment of the two delinquents to the Tower, writs of *habeas corpus* were obtained for them, merely to flatter their vanity by triumphal or rather riotous processions to and from Westminster Hall,—not with any hope of their being discharged by the judges, as it was well known that no court of law could interfere with the constitutional authority of the house of commons over its own members. Their release from the Tower, at the close of the session, was celebrated, as before observed, by acts of cutrage;* and at the Midsummer election of sheriffs, the ductile citizens were easily induced to give their assent to a fourth remonstrance, recapitulating the old grievances; charging the house of commons with some new acts of *enormous wickedness and injustice*, particularly the imprisonment of the two city magistrates, the erasure of Whittam's recognisance, and the embankment at Durham Yard; and praying for the speedy dissolution of parliament, and for the removal of his majesty's *wicked and despotic ministers*. The framers of this remonstrance wished to provoke, if possible, some singular asperity of reply from the throne; and it was intended that all the livery should go along with the lord mayor to deliver it.

* The populace broke down the iron gates at Serjeant's Inn, Fleet-Street, and obliged the inhabitants to put up lights. They likewise assembled tumultuously round the house of Sir Fletcher Norton, the speaker, and broke all the windows, with those of several other houses which were not illuminated.

But

But neither of these schemes succeeded. On the ninth of July, the day before his lordship was to proceed at the head of the livery to St. James's, he received notice from the lord chamberlain, that it being unprecedented as well as impracticable to introduce so numerous a body, no person beyond the number allowed by law could be admitted; and when his lordship, with the usual attendants, presented the remonstrance next day, they were totally disconcerted by the cool and dignified firmness of his majesty's answer. "I shall ever be ready," said he, "to exert my prerogative, as far as I can constitutionally, in redressing any real grievances of my subjects; and the city of London will always find me disposed to listen to any of their well founded complaints: it is therefore with concern that I see a part of my subjects still so far misled and deluded, as to renew, in such reprehensible terms, a request, with which, I have repeatedly declared, I cannot comply."

XV. All those desperate efforts of designing men served only to increase the harmony and to cement the union of the members of administration. No change took place in any of the public departments except those that proceeded from the death of the earl of Halifax, and of lord Strange, both of which happened nearly at the same time, and not long after the rising of parliament. In consequence of the former of these events, the earl of Suffolk was appointed secretary of state for the northern department, in the room of the earl of Halifax; and the duke of Grafton, returning into office, accepted of the privy seal. Lord Hyde succeeded lord Strange as chancellor of the duchy of Lancaster. Every thing seemed now to promise ministry both tranquillity and permanence. The storm of faction had in a great measure spent its rage; and though some petty attempts were made by Mr. Wilkes and his associates to blow up once more the spirit of discontent, it soon subsided in a profound calm. A favorable harvest; the flourishing state of arts and commerce; an exemption from the calamities of war, pestilence and famine, which then laid waste

D d 3

many

many other parts of Europe; in short, the union of plenty, peace, security, and true liberty could not but reconcile the people of England to a government under which they enjoyed so many blessings. The only allay of this national happiness was towards the end of the year, in consequence of very heavy rains which fell in November, and which occasioned, particularly in the northern counties, a more terrible inundation than had been experienced there within the memory of man. A detail of its ravages would serve only to excite the most painful emotions. It is enough to say that Northumberland, Cumberland, and Westmoreland exhibited for a few days nothing but scenes of distress and horror.—The usual, characteristic humanity of the British nation was exerted in affording relief to the sufferers. But though ruined towns and villages were soon rebuilt, and the inhabitants supplied with every possible comfort; yet no efforts of tenderness or pity could restore life to the many families and individuals who had perished in the overwhelming floods.*

1772. XVI. As there was no urgent business which required an early attendance, the prorogation of parliament was extended to the twenty first of January, when they were informed, in a speech from the throne, that the king of Spain's performance of his engagement in re-

* One of the most extraordinary effects of those heavy rains took place on the borders of Scotland, about ten miles north of Carlisle. A great part of Solway Moss, to the extent of four or five hundred acres, began to swell by the inundation, and rose to such a height above the level, that at last it rolled forward, with the irresistible force, though not with the rapidity of a torrent, sweeping along houses, trees, and great numbers of sheep and cattle that were suffocated in its course. It continued its slow motion for several days, and then dividing itself into a variety of little islands from two to twelve or fifteen feet in depth, it totally changed the face of the country where it lodged, and gave to a large tract of once arable land all the appearance of a natural bog.

storing Port Egmont and Falkland's island, and the assurances received of the pacific disposition of that court, as well as of other powers, afforded such a prospect of the continuance of a peace, that both houses would be "at liberty to give their whole attention to the establishment of wise and useful regulations of law, and to the extension of our commercial advantages." The propriety of maintaining a respectable establishment of naval forces was at the same time suggested; but great pleasure was expressed at finding, that there would be no necessity to ask any extraordinary aid for that purpose. Though the addresses in both houses were carried unanimously; yet, when a motion was made in the commons, that twenty five thousand seamen should be voted for the service of the current year, it was opposed under the pretence of inconsistency on the part of the ministers, who accompanied a speech, which breathed nothing but effusions of peace, with all the actual preparations for a war. It was much more inconsistent on the part of gentlemen, who had been extremely severe in their strictures on the neglected state of the navy, when a rupture with Spain was apprehended, now to exclaim against what was justly called a plan of reform in that department, by which the fleets of Great Britain might be enabled to command respect from the French in the East Indies, from the Spaniards in the West, and to afford protection and security to the Levant trade during the war between Russia and the Porte. Besides, all this was to be effected without any new burthens on the people: the land tax was reduced from four to three shillings in the pound; and the sinking fund affording a surplus of one million, eight hundred thousand pounds, in addition to the other sources of revenue and provisions for the annual expenditure, one million and a half was applied to the diminution of the public debt. In such circumstances, the ground of opposition to a good naval establishment was so untenable, that, after a short debate, the house agreed to the motion without a division.

XVII. Parliament were not inattentive to the other
objects

objects which the king had pointed out in general terms. They amended the provision-bills; and made some advances towards a general reform in the system of the corn laws: they repealed some old, impracticable statutes against forefallers, and provided remedies for the evils occasioned by others: they passed a law for better preserving his majesty's dock-yards, ships, stores, and ammunition; and another for regulating party-walls and buildings in London, Westminster, and all places within the bills of mortality: they adopted various expedients for farther encouraging the herring fishery; for preventing frauds in the revenue of excise; and for correcting abuses in the trade between Great Britain and Ireland: they also entered upon the consideration of the East India affairs; and as these were of the utmost intricacy and magnitude, it was deemed advisable to appoint a select committee of thirty one members, chosen by ballot, to inquire into, and make a faithful report of the late alarming mismanagement and actual state of the company's concerns,—to present to parliament a comprehensive view of the existence and extent of the evils, and thereby to enable them in their deliberate wisdom to apply an effectual remedy. The sittings of the committee were continued during the summer.

XVIII. Some attempts were made in the course of the session to enlarge the sphere of religious liberty; but upon such vague and contradictory principles as defeated the possibility of their success. The first was a petition from certain clergymen of the established church, and certain members of the professions of civil law and physic, who prayed to be relieved from subscription to the thirty nine articles. The former laid bold claims to the inherent right, which, they said, they held from God alone, to make a full and free use of their private judgment in the interpretation of the scriptures; and they farther asserted, that the necessity imposed on them of acknowledging particular confessions of faith and doctrine, drawn up by fallible men, was an infringement of that right, and a deviation from the liberal and original principles of the church of

of England: the latter stated, with more modesty, the hardship of being obliged, for the purpose of obtaining degrees in their respective faculties, to declare their solemn assent to theological tenets, which the course of their studies had not led them to examine, and upon which their private opinions could be of no consequence to society. The petition was rejected by a majority of 217 against 71; and for the plainest reasons. The clergy could not complain, as not being obliged to accept of benefices contrary to their conscience; and if scruples arose afterwards, they had it always in their power to relinquish their preferments. Every man was at liberty to interpret the scripture for his own private use; but his being authorised to do so for others was a matter of a very different nature. All governments had a right to establish such a system of public instruction as should approve itself most conducive to the general good; and it was necessary that those, who were to become teachers of the people, should be subjected to some test of their conformity and union. The danger of innovations was also suggested, and that, as civil disputes had lately run high, it would be very impolitic to give any opportunity of increasing them by lighting up the flames of religious controversy. It seemed, however, to be the general wish, that the universities would grant relief to the professors of law and physic in the matters they complained of; though parliament did not think proper to interfere. Several favourable sentiments were also thrown out in the debate with regard to the dissenting ministers, and some concern was expressed for the hardships they suffered, in being obliged, under severe penalties, to subscribe the articles of a church to which they did not belong, and from which they sought neither promotion nor emolument. So inviting an opportunity was not neglected by the friends of the dissenters. Leave having been obtained to bring in a bill for their relief, it was carried through the house of commons without a division, the number of those who spoke against it, by no means corresponding with their zeal. But it was thrown out, on the second reading

ing in the house of lords, by a majority of almost four to one, who considered the thirty nine articles as the grand palladium on which the civil as well as ecclesiastical government of the kingdom depended.

XIX. Among the acts passed this session there was one which made a great deal of noise, from the circumstances that gave rise to it, and from its being strenuously opposed in every stage of his progress through both houses. This was the act for regulating the future marriages of the royal family. It had its origin in the marriage contracted but a few months before by the duke of Cumberland with Mrs. Horton, relict of colonel Horton and daughter of lord Irnham. A private, though long suspected marriage of the duke of Gloucester to the countess dowager of Waldegrave, might also have operated on the king's mind, to recommend, by a particular message, the consideration of this subject to parliament. The dishonour reflected on the crown by unsuitable alliances, and former experience of the great evils arising from them, rendered the propriety of some restraints very evident; but it was alledged that they were carried too far in the new act, by being extended to all the descendants of George II. who might in time comprehend a very numerous description of people. According to the provisions of this act, the marriages contracted by the royal family, from the time of its having passed, are declared null and void, unless the previous approbation of his majesty be obtained; but in case the parties shall have attained the age of twenty five years, and give notice to the privy council of their intention of marriage, such marriage shall be held good in law, unless the parliament shall within the space of twelve months declare its disapprobation of the same.

XX. Whatever uneasiness the king felt at the disrespectful behaviour of both his brothers in marrying without his consent, some other events of a family nature soon after took place, which were to him a source of much keener concern and affliction. His amiable mother, the princess dowager of Wales, died on the eighth
of

of February; and his sister, the queen of Denmark, had a few days before fallen a victim to the intrigues and boundless ambition of her husband's mother-in-law. This artful woman, eagerly bent on securing, if possible, the succession for her own son, the king's half brother, left no means untried to alienate the affections of the royal pair from each other. But these attempts not answering her purpose, she entered into more desperate schemes, in concert with some discarded placemen; and at length, by the combined efforts of fraud and force, she brought about a revolution at the court of Copenhagen on the sixteenth of January. Under the sanction of a warrant, compulsorily obtained from the king, counts Struensee and Brandt, his chief ministers, were thrown into a dungeon; and the young queen was committed close prisoner to the castle of Cronenburgh. They were charged with a conspiracy to force the king to sign an act of renunciation, and to establish a regency, by which the government was to be lodged in the hands of the young queen and the two favorites. The latter suffered on a scaffold about three months after; but the queen was allowed, through the powerful interposition of England, to retire from the Danish dominions. She and her attendants were conveyed to Germany by a small squadron of frigates under the command of captain M^c Bride; and she took up her residence at Zell in the electorate of Hanover, where she died of a malignant fever on the tenth of May 1775, not having then completed the twenty fourth year of her age. Her enemies, though so far successful, did not accomplish their ultimate object. They had propagated scandalous reports of her amours with Struensee; yet were afraid to question the legitimacy of her issue. In the year 1784, they were all dismissed from office; and a new council was formed under the auspices of the prince royal, who was now grown up to assert his own rights, and to vindicate his injured mother's honour.

XXI. Another of the northern kingdoms exhibited in the same year a revolution still more extraordinary than that which has been just described. Gustavus

III. had succeeded his father on the throne of Sweden in February 1771. In his speech at the opening of the diet in June, he declared, that he considered it as his greatest glory to be the first citizen of a free country; and in the month of February following, he not only took the usual oath preparatory to his coronation, but he added some articles in which he formally absolved the states from their allegiance, should he ever attempt any infringement of the *capitulations* to which he had then sworn. All this, however, was the result of a studied and consummate hypocrisy. After a long train of the most artful preparations, he threw off the mask on the nineteenth of August; and alternately haranguing his guards and the populace, he obtained the concurrence of both in his plans of pretended reform. The diet being in a few days convened, he made a very plausible and eloquent speech on the disorders of the state, and on the remedies which he now proposed for their acceptance. But he did not wholly trust to the powers of his oratory on this occasion. All the garrison was under arms; the palace was invested on every side with troops; and cannon were planted in the court facing the hall where the representatives of the nation were assembled, while a matross stood over each gun with a lighted match in his hand. The states, thus encircled with terrors, did not take much time to consider the articles of the new constitution; and, upon declaring their assent, the oath of fidelity was immediately administered to them.—“Unhappy the king, who wants the tie of oaths to secure himself on the throne.”—This had once been the language of Gustavus; but it was now forgotten. Instead of any reflections of that sort, as soon as the ceremony of swearing to the new form of government was concluded, he drew a psalm-book out of his pocket, and taking off his crown, began to sing *Te Deum*, “it being highly proper,” he said, “to thank almighty God for his assistance in bringing about so *happy* an event;” by which one of the most limited monarchies in Europe was converted into one of the most absolute.

absolute.* He enjoyed the power thus acquired for twenty years in seeming security; but though he had placed himself above the reach of the laws, he fell at length by the arm of an assassin.

XXII. While the political system of Europe seemed to be convulsed by these and some other revolutions, particularly the dismemberment of Poland, no changes took place in the British administration which could either affect its internal strength, or outward conduct. Lord Hillsborough, indeed, resigned his office of secretary of state for the American department in August, together with his seat at the head of the board of trade, both of which were bestowed on the earl of Dartmouth. The resignation was not, however, the effect of any difference with the court, the former nobleman having quitted his places in great good humour, and being immediately after promoted to an English earldom. Lord Stormont, the earl of Mansfield's nephew, was appointed ambassador extraordinary at the court of Versailles, in the room of the earl of Harcourt, who succeeded lord Townshend in the government of Ireland; and the services of the latter were rewarded with the master-generalship of the ordnance. The death of the earl of Albemarle afforded an opportunity for promoting general Conway to the government of the island of Jersey; and sir Jeffery Amherst, who succeeded him as lieutenant general of the ordnance, was soon afterwards called to the privy council. A few promotions were also occasioned by the death of the earl of Litchfield. Lord North was soon elected chancellor of the university of Oxford; but the deceased earl's commission, as captain of the band of gentlemen pensioners, was not given away till the beginning of December, when Lord Edgewood accepted it. Mr. Jenkinson succeeded the latter in the joint vice-treasurership of Ireland, and thereby made a vacancy at the treasury board in England for Mr. Fox. It is almost unneces-

* A full, elegant, and judicious account of this revolution has been published by C. F. Sheridan, Esq. who was secretary to the British envoy then in Sweden.

fary to add, that no part of this arrangement indicated the least prevalence of disunion or intrigue in the cabinet.

1773. XXIII. Though both houses of parliament, which had been prorogued the tenth of June, met again on the twenty sixth of November, to resume, at the king's very earnest desire, the consideration of the East India company's affairs, yet the only steps they had time to take in that business before the Christmas holidays were the revival, or rather continuance of the select committee; the appointment of another committee of thirteen members, under the name of the committee of secrecy, for the purpose of more accurately investigating the various sources of the company's misfortunes, without any unnecessary exposure of them to the world; and an act to restrain the company for a limited time from sending out supervisors, a measure which then appeared to be equally expensive and useless. The objects of inquiry were so various and of so great an extent, that a complete body of information could not be laid before the house till the month of April. But the exigencies of the company requiring immediate relief, and a petition for that purpose being presented to parliament in the beginning of March, lord North brought forward several resolutions in the course of the month, which were successively agreed to. A loan of one million four hundred thousand pounds was voted to the company, to save them from a situation little short of absolute bankruptcy; and, in order to prevent the like disasters from befalling them in future, certain terms were annexed to the loan, on this plain principle, that every creditor, who parts with his money to any applicant, has an undoubted right to insist upon particular conditions, previous to his acquiescence in the request. According to these ideas, it was resolved, that the company's dividend should be restricted to six per cent. until the repayment of the sum advanced, and that the company be allowed to divide no more than seven per cent. until the reduction of their bond debt to a million and a half. A few days after, it was moved and

and carried by the minister, that it was the opinion of the house, it would be more beneficial to the public and to the East India company to let the territorial acquisitions remain in the possession of the company for a limited time, not to exceed the term of six years, their charter expiring about that period;—that no participation of the profits should take place between the public and the company before the above stipulated repayment of the loan, and reduction of the bond debt;—that after these points were settled, three fourths of the nett surplus profits of the company above the sum of eight per cent. upon their capital stock, should be paid into the exchequer for the use of the public, the other fourth being set apart either for farther reducing the company's bond debt, or by way of provision for future contingencies;—and that, as the company had in their warehouse a stock of teas, amounting to about seventeen millions of pounds, which it would be greatly to their advantage to convert into money, they should be allowed to export any quantities of it duty free. The company remonstrated against the hardship of some of these stipulations, particularly the limitation of their dividend after the discharge of the loan, the future disposal of their nett profits, and, above all, the implied decision against their right to territorial acquisitions.—But their remonstrances had no weight with parliament: the loan bill passed without the smallest change in any one article; and such was the indignation of the public at the enormous oppressions committed under the name, if not by the express authority of the company, that little compassion or sympathy was excited by the loudness of their exclamations and complaints in this day of their humiliation and distress.

XXIV. As it may appear inconceivable how the company could be precipitated, in the short period which elapsed since the year 1765, from the height of prosperity to a state of embarrassment bordering upon ruin, a transient review of the principal causes will be necessary to explain the paradox. Soon after the treaty concluded by lord Clive at Eliabad, pernicious monopolies were esta-

blished by the company's servants in all the newly acquired provinces; and as if the exclusive purchase and sale of every article of general consumption in India was not sufficient to satisfy their avarice, the presidency of Calcutta devised another scheme of legal plunder, which was to declare void at once all the leases held under the government on very low terms by the zemidars and polygars, who constitute the great landed interest of the country. The pretext for this was, that many of these leases had been collusively obtained; and it was said, that impartiality required they should be now relet without distinction to the highest bidder. By these means the natives were impoverished; immense fortunes were made by their oppressors; but the aggregate receipts of the company's treasury alarmingly decreased. As the opulence of Bengal, however great, depended solely upon the labour and industry of the people, upon commerce, manufactures, and agriculture, it is evident that these could not long flourish under the baneful influence of rapacity. The governing rule of trade pursued by the company's servants was to reduce to the lowest extreme of depression the price in the purchase, and to enhance it in the same extravagant degree in the sale. This discouraged the artisan and manufacturer from going to work, and others from buying any thing but what was of absolute necessity. The situation of the farmers and husbandmen was still more hopeless: they planted in doubt, and reaped in uncertainty. A large proportion of the land was of course left untilld; and this co-operating with a drought in the year 1769, occasioned a general scarcity of provisions, particularly of rice, the great staple of Indian sustenance. It was also said, that some of the monopolists had exerted their power and their foresight in collecting the scanty supplies into stores; so that the poor Gentoos had no alternative left them but to part with the small remains of their property or to perish with hunger. It is certain that a dreadful famine, and the plague, its usual concomitant, carried off in the year 1770 very nearly a fourth part of the entire population of Bengal,

Bengal, or about three millions of unfortunate victims. To these calamities were added the distressing effects of the war with Hyder Ally, wantonly entered into and shamefully conducted, to gratify the interested views of individuals. In such circumstances, it cannot be deemed wonderful, especially when the great increase of the civil and military establishments in India, and the annual contribution to the public expenditure at home, are taken into the account, that the disbursements of the company should far exceed the amount of their revenues, and bring them, in a few years, to the verge of bankruptcy.

XXV. In the reports of the select committee, many other scenes of shocking cruelty were unfolded to public view. The detail would be endless; but a general idea of their nature may be formed from the words of the chairman, who declared, "that, through the whole investigation, he could not find a single sound spot whereon to lay his finger, it being all equally one mass of the most unheard of villanies, and the most notorious corruption." Heavy charges were brought against several of the company's servants, and particularly against lord Clive, who, it was affirmed, had acquired a princely fortune by rapine, extortion, treachery, and murder. But when a vote of censure on his conduct was moved in the house of commons, it was negatived by a large majority, in opposition to the minister; and an end was put to the inquiry. A deep impression was nevertheless made upon the mind of the accused nobleman by the notoriety of some of the facts, and by the odium which from that time attached itself to his character. After a few years passed in a state of wretchedness and despondency, he put a voluntary period to his life, by this melancholy catastrophe demonstrating to mankind the vanity of human pursuits and wishes, and the infinite superiority of conscious virtue to all the gifts of fame and fortune.

XXVI. The minister, though left in a minority when he supported a motion which led to the impeachment of individuals, found both houses ready to concur in any

general plan of reform, which might happily prevent the repetition of the like crimes, and the return of similar calamities. With this view a bill was brought in for the better management of the company's affairs as well in India as in Europe; of which the chief provisions were, "that the court of directors should in future be chosen for the term of four years, instead of being elected annually, six members vacating their seats each year;—that the qualification for voting should be raised from five hundred to one thousand pounds capital stock, and the time of previous possession be extended from six months to twelve;—that the jurisdiction of the mayor's court at Calcutta be confined to mercantile causes, and a new supreme court of judicature be established in India, consisting of a chief justice and three puisne judges appointed by the king;—and lastly, that a superiority over the other presidencies be given to the presidency of Bengal, the blanks for the names of the members, including the governor and council, being filled up at the time by parliament, and the removal of those officers, as well as a negative on the future nomination of the company, being vested in the crown." It was strongly urged by the minister, in support of those material changes of the old system, that the annual election of directors made them too dependent on their constituents, to form any connected plans, or to adopt any resolute measures:—that the term of six months was too short for a qualification to vote, as it did not preclude temporary purchases of stock, merely for that purpose, and that so small a share as five hundred pounds was not a sufficient interest in the company, to entitle the holder to a privilege, the abuse of which might be fatal to the whole body:—that the contraction of powers in the mayor's court at Calcutta was only reducing its jurisdiction within the circle to which it had been originally confined; that it was a court of merchants and traders, and therefore incompetent to the trial of the many great, momentous, and complicated matters arising from the vast extent of territorial acquisitions; that for these reasons, the erection of a new judicature was absolutely

lutely necessary, and that the appointment of the judges by the crown, emphatically called the fountain of justice, was not only proper, but indispensable, to give a due weight and consequence to their decisions:—that the proposed superiority of one presidency over the rest was not to interfere with their peculiar or internal regulations, but related only to those great objects of general concern, war, peace, and alliances, in deciding on which the exercise of equal and separate powers had frequently been productive of much disorder and confusion;—and that the most effectual check on the abuse of the civil and military authority which was thus centered in the presidency of Bengal, would be to make the nomination as well as removal of the members dependent on the will of the legislature. Petitions against this bill were presented from the city of London, from the East India company, and from the proprietors of five hundred pounds stock; but without effect. After long and frequently renewed debates, it was carried through the house of commons by a majority of six to one; and in the house of lords, on the final division, the numbers were 74 to 17.

XXVII. The other proceedings of this session make but little figure, when compared with the magnitude and importance of the East India business. A few of them, however, deserve some notice. The harvest of the year 1772 not having been so productive as to lower the high price of corn in England, and a dreadful scarcity still continuing in other parts of Europe, the attention of parliament was directed to the distresses of the poor by the speech from the throne; and the renewal of the provision bills was among the first measures that received the sanction of the legislature. The fraudulent diminution of the gold coin, an enormity which had been carried to the most dangerous excess, for which parliament at this time endeavoured to provide a remedy; and though the act for calling in light gold, and regulating its value by its weight, was loudly exclaimed against, especially by bankers, who were obliged to hold money for others, and had received it at its nominal value, yet the loss fell where

where it could best be borne, upon those who had been gainers by the situation which occasioned it, and who had always profited by the public money. A tax on the nation to make good the deficiency would have opened a door for very gross impositions. Attempts for obtaining an enlargement of the toleration act, and the abolition of all tests at the time of being matriculated or admitted a member of either of the universities, were renewed, but with no better success than in the last session; parliament declined interfering in the regulations, which the universities were fully empowered to make for the government of their own body; and the plan of more liberal indulgence to the dissenters, though it again passed the house of commons by a great majority, was again rejected by the lords. It was almost impossible that any new arguments could be urged on so trite a subject; but the suggestions of former speakers and writers were enforced with all the variety of illustration which judgement and genius could superadd to them. Some very animated and eloquent debates were also occasioned by a late expedition against the Caribbs in the island of St. Vincent. A few of these were descended from the original possessors; but the greater part were the offspring of some African negroes who had been ship-wrecked on the coast about a century before. These two tribes of savages were scattered in huts over the most fertile and valuable part of the country, of which they had only cleared a few little spots, suffering the rest to lie covered with wood, uncultivated and unoccupied, without any benefit to others, or to themselves. Soon after the cession of the island of Great Britain, in consequence of the peace in 1763, repeated applications were made to government by the English settlers, to obtain from those people the lands, of which they were in fact but the nominal owners, in exchange for another quarter of the island, less susceptible of culture, but as comfortable for their habitation, and as convenient for the support of savage life, as that which they now possessed. Proper instructions for this purpose were accordingly issued by the board of treasury

treasury in the year 1768; but the Caribbs obstinately refused to part with their lands, to admit of any exchange, or even to acknowledge submission to the government that held out to them offers of full compensation and security. After every effort of intreaty and persuasion had been tried in vain, it was at length deemed necessary, in the summer of 1772, to order two regiments from North America to join an equal number of troops at St. Vincent's, and to co-operate with the fleet on that station in reducing the refractory savages to obedience. At this period an inquiry was instituted in the house of commons respecting the whole business; and motions were made conveying the severest censure on the ministry for adopting measures, which were said to be "equally repugnant to the humanity of his majesty's temper, disgraceful to his arms, and derogatory to the character of the British nation." These charges were answered with ability: the motions were negatived; and, about the same time, (Feb. 17) the expedition, which gave birth to the inquiry, was also terminated. The Caribbs, after some fierce encounters, agreed to acknowledge his majesty's sovereignty without reserve; to take an oath of fidelity and allegiance; to submit to the laws of the island in all transactions with the white inhabitants, while they were allowed to adhere to their own customs and usages in their intercourse with each other; and to cede a large tract of very valuable land to the crown, the districts which they still retained being secured in perpetuity to them and to their posterity.

XXVIII. Both houses of Parliament continued their deliberations till the first of July, when an end was put to the session by a speech from the throne, expressing the utmost satisfaction at their zeal, assiduity, and perseverance. His majesty had, the preceding week, afforded the highest gratification to a considerable number of his subjects by a review of the Navy at Portsmouth. The resort of company there during the royal visit was unparalleled; and his majesty left behind him lasting impressions

impressions of his benignity and munificence. The remainder of the year rolled away without any remarkable domestic occurrences; but the events of the same period in America were very alarming. The repeal of the other port duties, while that on tea was continued, had not produced all the good effects which were expected from such a concession. The provincial assemblies persisted in disavowing his majesty's right to keep commissioners of the customs, or to establish any revenue in North America. A lately adopted measure of appointing the governors and judges of the colonies to be paid by the crown was another source of much discontent. Still, however, the ill-humour of the people seemed to vent itself in angry complaints; and no act of outrage had taken place for the last three years, except the burning of an armed schooner at Rhode island in June 1772. Even this was not occasioned by any popular tumult: it was the momentary impulse of revenge inflicted by a party of smugglers on the commander of that vessel, who had made himself obnoxious by his zeal and vigilance in the execution of the revenue laws. But, in the summer of the current year, an extraordinary accident served to blow into a flame the unsmothered embers of sedition in Massachusetts Bay. Dr. Franklin, the agent for that province, had by some unknown means got possession of certain confidential letters written by the governor and the lieutenant governor to their friends in England, containing an unfavorable representation of the temper of the people, and the views of the leaders, and tending to shew the necessity of more vigorous measures in order to secure the obedience of the colony. These letters were immediately transmitted by the doctor to the assembly then sitting at Boston, who came to several violent resolutions, which they followed up by a petition and remonstrance to the king, charging Mr. Hutchinson the governor, and Mr. Oliver his deputy, with being betrayers of their trusts and of the people they governed, and praying for justice against them and for their speedy removal,

removal*. Fresh fuel was soon after thrown into the blaze of animosity excited by the publication of the letters. The East India company having, in pursuance of the act for permitting the exportation of teas duty free, consigned large quantities to their agents in the principal ports of America, the factious leaders there easily persuaded the people, that this was a scheme calculated merely to circumvent them into a compliance with the revenue law, and thereby open the door to an unlimited taxation. Meetings were held, first at Philadelphia, and afterwards in several other towns, where resolutions were passed declaring "this new ministerial plan of importation to be a violent attack upon the liberties of America," and pronouncing it to be "the duty of every American to oppose this attempt; and that whoever should directly or indirectly countenance it was an enemy to his country." The consignees were obliged in most places to relinquish their appointments; and among other inflammatory papers then circulated throughout the colonies, a warning was given to the pilots on the river Delaware "not to conduct any of the tea ships into their harbour, as they were sent only for the purpose of enslaving and poisoning all the Americans." In a similar publication at New York, those ships were said to be "freighted with fetters forged in Great Britain;" and every vengeance was denounced against all persons, "who should dare in any manner contribute to the introduction of such chains." The landing of the tea was

* This petition having been referred by the king to the privy council, and Dr. Franklin being summoned in his official capacity to support the charges, Mr. Wedderburne, as counsel for the defendants, exposed with such unanswerable evidence the doctor's cool, deliberate malignity in the business, that the lords of the council made their report to his majesty, "that the petition was founded upon false and erroneous allegations, and that the same is groundless, vexatious, and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamour and discontent in the province." every

every where violently resisted; and several of the ships returned to England without breaking bulk. At Charlestown, after much opposition and tumult, a cargo was permitted to be unloaded, but was immediately lodged in damp unventilated cellars, where it long remained, and finally perished. Some was also landed at New York under the cannon of a man of war; but the government there were forced to consent to its being locked up from use. But at Boston the riots, even before the arrival of the ships, rose to a height which made the excesses committed elsewhere appear trivial. The populace surrounded the houses of the consignees and demanded their resignation, which not being complied with, their doors and windows were broken, and they themselves narrowly escaped the fury of the mob by flying from the town and taking shelter in Fort William. In vain did the governor issue a proclamation commanding the civil magistrates to suppress the riots: the sheriff was insulted for attempting to read it at one of the illegal meetings in the town hall. As soon as the ships arrived, the inhabitants met again, and with loud acclamations testified their concurrence in a vote, "that the tea should not be landed, and that it should be sent back in the same bottoms." But clearances from the custom-house, and a pass from the governor being refused, an immense crowd repaired to the quay in the evening of the eighteenth of December, and a number of the most resolute, in the disguise of Mohawk Indians, boarded the vessels, and discharged their cargoes into the sea.

1774. XXIX. The ministry not being in possession of these facts at the meeting of the parliament on the thirteenth of January, no mention was made of American affairs in the speech from the throne; but on the seventh of March, a message was delivered from his majesty to both houses, informing them, "that, in consequence of the unwarrantable practices carried on in North America, and particularly of the violent and outrageous proceedings at Boston, with a view of obstructing the commerce of this kingdom, and upon grounds and pretences immediately

ately subversive of its constitution, it was thought fit to lay the whole matter before parliament—recommending to their serious consideration “ what farther regulations or permanent provisions might be necessary to be established.”

This message was accompanied by a great number of papers, which sufficiently shewed the daring and seditious spirit that now prevailed all over the continent. In the address of thanks for these communications, the house assured his majesty, “ that they would not fail to exert every means in their power of effectually providing for the due execution of the laws, and securing the just dependance of the colonies on the crown and parliament of Great Britain.” The first step taken to accomplish so desirable an end was the introduction of a bill, which was rapidly and almost unanimously carried through both houses, for shutting up the port of Boston, and prohibiting the lading or unlading of all goods or merchandise at any place within its precincts, from and after the first of June, until it should appear to his majesty that peace and obedience to the laws were so far restored in the town of Boston that trade might again be safely carried on, and his majesty’s customs be duly collected; in which case his majesty might by proclamation open the harbour; but not till it should also sufficiently appear, that full compensation had been made to the East India company for the destruction of their tea, and to all others who had suffered by the late riots. The board of customs was,

in the mean time, to be removed to the town of Salem. But as the prevention of future enormities was an object of still greater importance than the punishment of those which were past, and as the latter seemed greatly owing to the weakness of the civil power in the colony of Massachusetts Bay and to other radical defects in the frame of their government, it was now proposed to assimilate their constitution more nearly to that of the royal governments in America, and to their prototype the government of Great Britain. For this purpose an act was passed to deprive the lower house of assembly of the privilege of electing the members of the council, and to vest that pri-

vilege in the crown; to authorise the king, or his substitute the governor, to appoint judges, magistrates, and sheriffs; to empower the sheriffs to summon and return juries; and to prohibit town meetings from being called by the *select men*, unless with the consent of the governor. Such a restraint was deemed necessary, not only to suppress the spirit of faction in the province itself, but to prevent the rest of the colonies from being tainted by its seditious example. The next expedient was a bill for the impartial administration of justice in Massachusetts Bay, empowering the governor, with the advice of the council, in case any person was indicted in that province for murder or any other capital offence, and it should appear by information on oath that the fact had been committed in the exercise or aid of magistracy in suppressing riots, and that a fair trial could not be had in the province, to send the person so indicted into any other colony, or to Great Britain to be tried; the act to continue in force four years. The opposition made to these bills, in their progress through both houses, was equally impotent and unpopular; but another act that followed them, for making more effectual provision for the government of the province of Quebec, was violently opposed within doors, and excited much clamour without. The objects of this act were, to secure to the inhabitants of that province the free exercise of their religion, and to the Roman catholic clergy their rights, agreeable to the articles of capitulation at the time of the surrender of the province; to confirm the English laws, and a trial by jury in criminal cases, but, in civil cases, to restore the ancient French laws and a trial without jury, as being more acceptable to the Canadians; to establish a council, holding their commissions from and at the pleasure of the king, who were to exercise all the powers of legislation, except that of imposing taxes; and lastly to extend the limits of the province, which, reaching far to the southward behind the other settlements, might be made to serve as a check upon them if necessary. Lord Chatham's speech against this bill tended greatly to inflame the minds of
of

of the people: he called it, *a child of inordinate power*, and asked, *if any of the bench of bishops would hold it out for baptism?*

XXX. Such were the principal measures adopted this session by the British parliament for maintaining the authority of the mother country over the colonies. Four ships of the line had also been fitted out for Boston; and as a military force might in like manner be necessary to reduce its disorderly inhabitants to obedience, an act was passed to provide commodious quarters for officers and soldiers on that service; and general Gage, commander in chief in America, was appointed governor of Massachusetts Bay, in the room of Mr. Hutchinson, who had desired leave to come to England. The general was farther invested with full powers to grant pardons for treasons and all other crimes, and to remit all fines and forfeitures to such offenders as should appear to be fit objects of mercy. But the people of Boston did not seem disposed to court his lenity or indulgence. Having just received intelligence of the bill for shutting up their port, they were all convened to take it into consideration, the very day after the new governor's arrival. At this meeting, resolutions were passed, and ordered to be transmitted to the other colonies, inviting them to enter into an agreement to stop all imports and exports to and from Great Britain, Ireland, and every part of the West Indies, as the only means, they said, that were left for the salvation of North America and her liberties. Copies of the act were also multiplied with the utmost dispatch, and sent to every part of the continent, where they produced the same effects as poets ascribe to the Fury's torch, setting all the countries through which they passed in a flame. Addresses from most of the provinces arrived in a short time at Boston, exhorting the inhabitants to persevere in their opposition to such an attack on their civil rights, and declaring that all British America considered themselves as sufferers in the common cause. A general congress was also determined upon; and Philadelphia being judged commodiously situated for the pur-

pose, the first meeting of delegates from the several colonies was appointed to take place there in the beginning of September; and, in the mean time, engagements, under the title of a *solemn league and covenant*, were universally entered into for the purpose of suspending all commercial intercourse with Great Britain, and renouncing all communication with those who should refuse to sign this covenant, notwithstanding a proclamation from general Gage, styling such agreement an unlawful, hostile, and traiterous combination. He was even obliged to dissolve the provincial assembly, having found every other method ineffectual to put a stop to their violent proceedings. But those of the general congress were of a still more alarming tendency. The delegates met on the day appointed at Philadelphia: they were fifty-one in number, chosen in such proportions from the different colonies as corresponded with their varied extent and population, though each colony had but one distinct and separate vote: they sat with the doors locked, no person but a member being permitted to be present at their deliberations, and all their proceedings, except what they thought fit to make known, being kept profoundly secret. Among their first resolves was a vote which passed unanimously, expressing their deep sense of the sufferings of their countrymen in the province of Massachusetts Bay, under the late unjust, cruel, and oppressive acts of the British parliament; thoroughly approving the wisdom and fortitude of the opposition made to those measures; and asserting it to be the duty of all America not only to contribute to the relief of the sufferers, but to assist in repelling any force which might be employed to carry such acts into execution. The congress also drew up and published a declaration of rights, little short of absolute independency, with the copy of a formal instrument in writing, signed by the members, and recommended to their constituents, renouncing all intercourse with the mother country, till redress should be obtained for the alleged violation of those rights;—a petition to the king, enumerating the several grievances, and blending professions

of

of loyalty with a firm demand of the abolition of the obnoxious statutes, as the only means of restoring harmony between Great Britain and the colonies;—an apology to the people of England for the suspension of commerce, which, they said, necessity alone and a regard to self-preservation obliged them to adopt;—a memorial to the inhabitants of the colonies, designed to explain to them in what manner they were all interested in the state of the people of Boston; urging them to a compliance with the non-importation, non-consumption, and non-exportation agreement; and advising them to extend their views to the most unhappy events, and to be in all respects prepared for every contingency;—and, lastly, an address to the Canadians, the object of which was to render them discontented and uneasy under their new form of government, to sow the seeds of discord between them and the mother country, and to induce them to join in the general confederacy. After these public acts, which the congress completed in a session of fifty two days, it dissolved itself, having previously recommended that another congress should be held the tenth of May following. The effects of its decrees were quickly seen throughout the provinces: a spirit of resistance to the British government discovered itself almost every where, but particularly in Massachusetts Bay, which was considered as the grand focus of American rebellion. The courts of judicature were totally suspended: all persons accepting offices under the late laws were declared enemies to their country: every step taken by general Gage for the accommodation and security of the troops under his command was obstructed as much as possible: his recall of writs which he had issued for convening the general court of representatives in October, was disregarded: they met in direct contempt of the authority which forbade them; voted themselves into a provincial congress, with Mr. Hancock at their head; appointed a committee to present a remonstrance to the governor in a very daring strain; and, on his refusing to recognize them as a lawful assembly, they proceeded to

exercise all the functions not only of the legislative, but of the executive power. At one of their subsequent meetings, a plan was drawn up for the immediate defence of the province; magazines of ammunition and stores were provided for twelve thousand militia; and an enrolment was made of *minute-men*, so called from their engaging to turn out with their arms at a minute's warning. General Gage clearly foresaw the inevitable issue of such proceedings; but he still confined himself to the mildest measures that were consistent with prudence and necessary caution, being resolved, that, if the sword must be at last unsheathed, it should not appear owing to any precipitancy on his part. He admonished the people, though in vain, not to be ensnared by the provincial congress, nor led by their influence to incur the penalties of sedition, treason, and rebellion: besides fortifying a narrow isthmus, called Boston Neck, that connects the town with the continent, by means of which the inhabitants of that place became in some sort hostages for the behaviour of the rest of their countrymen, he took care to secure such magazines as were within his reach, and to spike the cannon of some batteries, so as to prevent their being serviceable to an enemy. The activity of the Americans sometimes defeated his utmost circumspection. An armed body of them made themselves masters of the fort at Portlimouth in New Hampshire, and sent off the powder it contained to a place of safety. They also surprised another small fort in the same province, called William and Mary, which was garrisoned by only one officer and five men, to whom they did no personal injury, but took possession of the ammunition and ordnance. A proclamation, which had been issued in England, prohibiting the exportation of military stores, operated as a strong incitement to the eagerness of the colonists to procure such supplies. Mills for making gunpowder, and manufactories for arms, were set up in several places; and the advice of congress, "to prepare for every contingency," was implicitly followed by all the provinces.

XXXI. While every thing bore the most rebellious af-

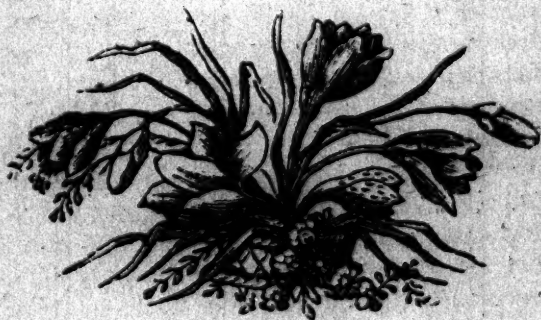
pect in America, the British cabinet at home thought it highly necessary, before a blow was struck, to take the sense of the nation on a subject which involved the dearest interests of the whole empire. A dissolution of parliament was therefore resolved upon, to give the people an opportunity of manifesting their sentiments in the choice of representatives, and to free the latter from any restraint with regard to a change of system, if it should be deemed advisable. The same house of commons, which had so recently as well as repeatedly given its sanction to vigorous measures, could not, with a good grace, rescind its own most deliberate acts; but another body of representatives would not be tied down to an involuntary perseverance in support of the resolutions of their predecessors. The proclamation for dissolving the parliament was issued on the thirtieth of September; and the writs for calling a new one were made returnable on the twenty ninth of November following, the shortness of the interval being laudably calculated to prevent those flagrant excesses of turbulence, faction, intrigue, and venality, which had disgraced the last general election. The candour of the ministry and the propriety of their conduct on so delicate an occasion had great weight with the electors at large, who returned a very considerable majority of the avowed friends of government. This appeared on the first day of the meeting of parliament, when no competitor for the chair was started against sir Fletcher Norton; and afterwards more strikingly, in the debate on an address of thanks to his majesty for his speech from the throne, of which the disobedience of the colonies constituted the chief topic. As the address implied a general approbation of the steps taken by his majesty to carry into execution the late laws, and to restore peace and good order in Massachusetts Bay, an amendment was proposed on the side of opposition, and supported by all the powers of their oratory and all the strength of their numbers.—The latter, however, amounted only to 73 against 264 who voted for the original address. Nothing else of a remarkable nature occurred in parliament before the holidays,

lids, except that the estimates, as stated to the commons, were entirely formed upon a peace establishment; and that nine out of thirteen peers in the minority signed a protest against the address, being the first of the kind which had ever appeared on the journals of the upper house. It may also be deemed worthy of notice, that the lords now at length put an end to that illiberal contention with the commons, by which, ever since the year 1770, the members of each house were interdicted from the other.

1775. XXXII. After the recess, a variety of debates took place on different systems of coercion and lenity with regard to the Americans, in which more eloquence and party spirit was displayed than genuine patriotism. The result of all was the passing of two acts; by the first of which the New England provinces, as having set the example of renouncing all intercourse with the parent state, were prohibited from trading to any other country, and from fishing on the banks of Newfoundland; and by the second, the same restraints were extended to the colonies of East and West Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, and to the countries on the Delaware, which were found to have concurred in the commercial combinations of the people of New England. But in order to leave it still in the power of the colonies to avert the calamities impending over them in consequence of these prohibitory acts, a resolution was moved by the minister, and carried in the house of commons, as the basis of a future agreement, "that when any of the colonies should propose, according to their abilities, to raise their due proportion towards the common defence, such proportion to be raised under the authority of the assembly of such province, and to be disposable by parliament; and when such colony should also engage to provide for the support of the civil government and the administration of justice within such province; it would be proper, if such proposal should be approved by his majesty in parliament, to forbear, in respect of such colony, to levy any duties or taxes, or to impose any further duties

or taxes, except such as should be necessary for the regulation of trade." But the season for amicable proposals was past. A sort of military furor had by this time seized the inhabitants of the colonies, and rather than make any concession to the British parliament, they were determined to risk all consequences, "even though it were revealed from heaven," as one of their most popular speakers said, "that nine hundred and ninety nine were to perish in the contest, and one only of a thousand to survive and retain his liberty." The British government was equally resolute; and though it held out conciliation in one hand, it brandished the sword of supremacy in the other. An addition to the land and sea forces was voted in the house of commons; and a large reinforcement was ordered to Boston, under the command of the generals Howe, Clinton, and Burgoyne. Thus the mother country and her rebellious children were rapidly advancing to the crisis of a dreadful struggle; and the whole world seemed to be at gaze for the event.

END OF THE SECOND VOLUME.



MUSEVM
BRITAN
NICVM



